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MEMORIALS

OF

S. S. DICKINSON

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To W. Earnshaw Esq
With kind regards
from F. S. Dickinson

Memorials

OF

S. S. Dickinson.

GLOUCESTER
PRINTED BY JOHN BELLOWS
1882.

PREFACE.

Of the writings by S. S. Dickinson contained in this volume, some have been already printed, the rest are from MSS found among his papers. They are now collected and printed together to preserve them in his family, and it is thought that the short introductory Memoir may not be without interest to those among whom he lived, as recalling his quiet life of unostentatious usefulness.

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MEMORIALS.

SEBASTIAN STEWART DICKINSON was born at Bombay, March 25th, 1815.

His father, Thomas Dickinson, second son of Captain Thomas Dickinson, R.N., and Frances de Brissac, had early entered the Indian service as an Engineer Officer, and remained in India for more than forty years, occupying, for a considerable portion of that period, the position of Chief Engineer of the H.E.I. Company's Engineer Corps at Bombay, where, in 1808, he married Miss Catherine Dean. They had a family of eight children,* who, after infancy, were consigned to

* 1. Thomas Malcolm. Ensign 14th Regt. Bombay Native Infantry, and Assistant Political Agent Kattiawur. Born 1809; died 1836.

2. Henry Strahan. Vicar of Chattisham, Suffolk. Born 1810.

3. George Harris. Bombay Engineers. Born 1812; died 1832.

4. Sebastian Stewart, the subject of this Memoir. Born 1815; died 1878.

5. Eleanor Fanny. Born 1816. Married George Fulljames, Major 25th Regt. Bombay Native Infantry, and Political Agent of Rewah Kanta.

6. Eliza. Born 1814. Married, first, Francis Wemyss, Captain Bombay Engineers; secondly, Captain William O'Connell, formerly 73rd Regt. Died 1863.

7. William Rice. Major General (late) Bombay Engineers. Born 1824.

8. Alexander Wedderburn. Bombay Civil Service. Born 1828; died 1848.

the care of relations in England, their father's sister taking charge of the two daughters, while the sons found a home with their grandparents, who resided at Bramblebury, then a pleasant country place, in the neighbourhood of Woolwich. Their grandfather, Captain Dickinson, had quitted the navy to succeed to a post in the ordnance, which had been held till his death by his father, Captain John Dickinson, also a Commander in the R.N.

Captain Thomas Dickinson had married, in 1781, Frances de Brissac. She was French by birth, but the family of her father seems to have been settled in England from the time of the Revocation of the Edict of Nantes. On her mother's side, she was also descended from Huguenot families, whose names, of Loy and Polchet, appear in history, as of refugees at the same period.*

No small share of the sterling qualities of these, her Huguenot ancestors, must have been inherited by Frances de Brissac. She was a woman of unusual energy, a foe to all sloth, self-indulgence, and extravagance, and a strict adherent to whatever she considered her duty.

* The Loys were satin-weavers, in Spitalfields. It is reported that one of them, Sebastian Loy, had so much of the respect and liking of his workpeople that, during some early riots against machinery, when the rioters destroyed all the looms in Spitalfields, they were careful, before wrecking his looms, to cut out and put by all the satin that was being woven in them.

With a warm heart, a strong will, sound sense, and unusual physical powers, even in advanced years, she was well fitted for the charge that devolved upon her. And it could have been no light task, when past fifty, to begin, and, for thirty years, to continue, the superintendence of the education and starting in life of six boys. This, with the assistance of her daughters, she conscientiously fulfilled, always with strict and anxious regard to the wishes of their parents, which, in those days of slow postal communication with India, were often not easy to ascertain.

In witnessing the after career of all her grandsons, she must have found a reward. Some, it is true, soon fell victims to the Indian climate, but the early manhood of these was marked by great promise for a future, in their case, not to be realized on earth.*

* The eldest son, at an early age, acquired very considerable reputation as an Oriental scholar. In a general order, the Government had expressed its marked approbation of the distinguished attainments, in the study of Eastern languages, acquired by this officer ; and shortly before his death from cholera, at the age of 27, had bestowed upon him, unasked, an important political appointment, with the assurance that he owed it solely to his character and qualifications, and superior proficiency in the Oriental languages. Sir Robert Grant, the Governor of Bombay, thus speaks of him, in a letter to his mother :—"Out of your own immediate circle, no person can be so great a loser as myself. I had pleased myself with the prospect of much and high public service from the maturity of those talents whose blossoming was so bright, and I cannot describe my surprise and concern at finding my hopes so fearfully destroyed."

Sebastian always recurred with gratitude to his grandmother's training in habits of industry, diligence, and self-denial. She appears, from the first, to have regarded him with peculiar affection. "Send Sebastian home," she writes in 1820, "before the climate can possibly prove injurious to him. I am prepared to love him: his very name* will find its way to my heart." From the day he was confided to her charge, till he was fairly launched in a profession, her cares for his welfare and advancement were unremitting, and, on his side, well repaid by respect and affection, and by untiring zeal in making the most of advantages afforded to him. In consequence of his entering the legal profession, his home was necessarily, for a considerable time, in England; and he continued to reside with his grandmother for many years. Her husband had died in 1828, and, as her grandson grew up, his assistance became very valuable to her, and he was, as she herself expressed it, her "counsellor and friend."

At twelve years old he was sent to Eton, and afterwards to a tutor, at Amiens, where he soon acquired considerable fluency in French, and also worked well, in the College, at Mathematics and Physics. His future career was still undecided,

* The name had been a frequent one in the family of the Loys, and was endeared to her as that of a favorite son, a young Engineer officer, slain at the siege of Badajos.

and his grandmother's anxieties on the subject were great.

"He engrosses," she writes to his parents, "my sleeping and waking thoughts, I am so anxious about his future destination."

And again:

He is a superior boy in intellect and manners, rather high-minded and ardent. He is passionate, but good and honourable. I love him very much, and shall be anxious to see him well set out in life. If you cannot get a good appointment for him out in India, what think you of his studying the law here? . . . . He seems willing to pursue any path that his parents may assign him.

He was eventually articled for five years to Mr. F., a solicitor in London, and after that term had expired, he spent three more in preparing, with his usual application and industry, for the Bar. The following extract, from a letter subsequently addressed to him by Mr. F., shews the estimation in which he was held by that gentleman:

. . . . It may not be an unpleasing legacy to receive from your old master, to be informed that, during the five years you spent under articles in my office, there was never one of the matters which were entrusted to me, which you did not make yourself entire master of, and in which you did not give me material assistance. Your whole leisure too, was so well occupied in study, that I do not hesitate to say, I never parted with a pupil so well grounded in the principles of the law, or more competent to give a sound opinion, founded on those principles, in the daily cases arising in ordinary practice. . . . Under these circumstances your subsequent career has not surprised

me. Your perseverance in pursuing your studies, under counsel eminent in every department of the profession, is a proof of that determination you have always evinced of overcoming its difficulties, and is an earnest, I trust, of that success which, I doubt not, will be your reward.

His grandmother's letters also abound in expressions of satisfaction with his character and conduct. He was accustomed to spend every Sunday with her, to which she thus alludes:

Sebastian seems always pleased to come down on Saturday, and I am delighted to observe how all difficulties are surmounted that might prevent his going to Church. If it rains he has an umbrella that will keep off the wet, nor is it ever too hot or too cold. He makes no fuss about it, but always manages to go.

Later she remarks:

I really think we have every reason to be satisfied with the conduct of Sebastian. He is prudent and careful, but at the same time gentlemanly and correct. Mr. F. thinks highly of him; and though he is much in company, he never fails in regularity, but is always at his post punctually. He always starts in time for the earliest conveyance, which enables him to be at his desk, in Essex Street, by the right time.

To those who knew him in after life, the above slight touches of his youthful character will strikingly recall the characteristics of the man, and will not be devoid of interest, as showing how early were acquired those good habits and principles which helped to make him what he became.

In 1839 he was called to the Bar; and soon afterwards it was decided that he should join his parents in India. The several barristers under whom he had studied, were agreed in predicting for him a successful career at the English Bar, and advising him to remain in England; but there appeared, at that time, to be a good opening for a young barrister at Bombay, and Colonel Dickinson was anxious his son should avail himself of it. The latter, therefore, left England in the autumn of the same year, and, after a short tour on the Continent, proceeded to Bombay, where he joined his family early in 1840. He writes to his grandmother at this time as follows:

Malta, 9th November, 1839.

My Dear Grandmother,

I cannot touch at Malta without giving you a line of intelligence as to my whereabouts and progress. I am now fairly embarked for India; for while travelling about on the continent it was so like the life I have led often before, that I could scarcely think of a different termination to my tour, than has ended my former tours in the same regions.

I left Rome last Sunday evening, the 3rd, to reach Civita Vecchia in time to embark by the packet, which was to have reached it early on the morning of the 4th. Unfortunately the weather, and a foolish obstinate captain, caused a delay for three days. It was extremely annoying, having to spend three days of waiting in such a wretched place. It is dull beyond comparison, presents no feature of interest to the traveller, and is only visited as a port from which communication to France, the coast of Italy, Malta, Constantinople and Egypt, is very easy. I fortunately

met there two other gentlemen, bound for India, though to different presidencies from mine, which made the delay somewhat less irksome to me than it would otherwise have been. But, independently of the actual inconvenience and annoyance of the delay itself, it was so provoking to think that all that time might have been so much better, and more profitably, spent at Rome, and elsewhere. However we, Civita Vecchia passengers, are somewhat repaid for our waiting by the beautiful passage we are having. There's not a wave to toss a boat, and we are writing, a party of a dozen or so, as much at ease as if we were on dry land.

I expected, and was not disappointed, to meet Captain P. and his sister. He was the first person I saw on stepping on board. I was further most agreeably disappointed in finding Mrs. W. and her daughter. She gave me the last news of you, for unfortunately, owing to my not going to Vienna, I did not receive the letter she told me you had written to me, directed to that place. I am vexed now that I did not go to Vienna, as I find from experience, which is, unfortunately, the only guide you can depend upon in travelling, and is usually the only one wanting, that I should have had ample time to have seen Vienna and all that I have seen. When I got to Munich I met a most intelligent and agreeable English gentleman, just on his return from Egypt, who had travelled through Italy, and, finding, as I thought then, that I should have to hurry over Rome if I went to Vienna, I gave up my Vienna project. I dare say you have received, by this time, a letter, or rather hurried scrawl, I wrote you from Milan, by my friend, and, up to then, fellow-traveller. At Milan I was delighted, as every one must be, with the Cathedral, and the first introduction to the picture-galleries of Italy. From Milan I went to Florence, where I staid three days. Florence seems really a charming place, not only to visit in a passing way, but to live at, combining the advantages of good

society and economy, and possessing a never failing fund of amusement, in its noble picture and statue galleries, always open to the public. I should think it must be one of the cheapest places on the continent, and the mode of living approximates nearer in comfort and other respects to the English style, than is usually met with on the continent. The Florentines are very gay and cheerful, and are well governed, which is more than can be said for their neighbours in the Papal Dominions.

From Florence I went to Rome—the Eternal City—which I have so often wished to visit; and I spent nearly a fortnight there. I suppose Rome is the only place on earth which cannot disappoint any traveller. As a city—that is as a centre of commerce, population and civilization—it is not to be talked of. But, by its ancient monuments, by the ruins of its ancient splendor, it speaks so much more strongly to the feelings, than any language which can be used to describe it, that no one can have formed, before entering its walls and visiting it in detail, an exaggerated expectation of the effect it is to produce upon him. His idea of it may be false; but it cannot be overwrought. I feel the greatest pleasure now in reading, what I have before read merely with admiration, Madame de Stael's description of it, and of the country of which it has been so long the capital, in her Corinne, which fortunately happened to be on board. We are quite an English, I should say an Anglo-Indian, party on board. Civita Vecchia got rid of all the foreigners, and, fortunately, by unburdening the steamer of some thirty passengers, procured us better accommodation. There are about thirty passengers for different parts of India, so that we shall be a large and agreeable party across the desert.

I was so pleased to hear about you from Mrs. W., and to hear her say that she found you looking so well. May you long continue to enjoy such good health. I cannot

help indulging the hope of again embracing you. I will write again on my arrival in India. My best love to you all.

Your affectionate Grandson,

SEB. S. DICKINSON.

Cairo, Dec. 14, 1839.

My dear Grandmother,

My letter from Malta will prevent your being surprised at my being still in Egypt. We have been a most unlucky party. The delay of three days which took place in the steamer voyage from Marseilles to Malta, owing to the very deficient arrangements of the French line of steamers in the Mediterranean, made us arrive at Syra too late for the boat which works between that place and Alexandria. The consequence was, as we expected, that when we reached Alexandria by the next line of boats, we were too late for the long boat. Thus we are obliged to spend a month in Egypt, which, I am happy to say, is now drawing to a close. When we arrived at Syra—a wretched little island in the Archipelago—we found no means of accommodating so large a party as ours was, and, as there was no possibility of our getting on to Alexandria for ten days, we all determined to proceed to Athens. Our party consists of twenty-nine, bound to the East, and so far east it is difficult to find accommodation for us. We spent a week at Athens, which, of all places, was perhaps the one best calculated to reconcile us to our disappointment, as it is one which we shall all be glad to have visited, and it lies somewhat out of the way of ordinary travellers. The present town of Athens is a miserably poor place; the houses are rather huts than houses, and the streets choked up with rubbish. The present King's new palace is an immense, and will be a splendid, edifice, and forms a striking contrast to his mean capital. The ruins at Athens consist almost entirely of temples, which call forth your

warmest admiration for the magnificence and beauty of their proportions: they are the *chefs d'œuvre* of architecture. But I did not feel the same kind of interest at Athens as I did at Rome. In wandering among the ruins of the public buildings dedicated to religion, you do not feel the same communion with the people who built and used them, as when you find yourself among the ruins of their private buildings. The ruins of temples, which crown the Acropolis and the plain, are much more extensive than any you find at Rome; but as the genius of the people did not lead them to the same luxuries in private life as the Romans, you do not find the same remains of private opulence and luxury. The town itself is wretchedly mean, and has frequent proofs of the spoliation it underwent during the late revolution. It will take many years before the most persevering and well-directed energy can raise it from its ruins, and present the appearance of the capital of a kingdom; but with the present king such a task seems almost hopeless. He is described to be of a very suspicious disposition, and allows nothing to be done without personal enquiry. The consequence is that the most trifling things remain for months in abeyance, waiting the personal investigation of the sovereign, and his tardy fiat for their performance. I cannot conceive a finer position for a young man like King Otho, than raising from the dust a nation which, from the highest point of civilization and national glory and character, has sunk to one of the most debased in power and character. But he does not seem to feel his position in that light: he would seem to doubt the duration of his kingdom, and to feel contempt for his subjects.

On our return to Syra a further delay in the next line of packets to Alexandria augmented our ill humour. For, although it was almost impossible for us to be in time for the Suez boat, we could not help hoping that some accident might delay the Suez boat, and enable us to reach it in time.

The French authorities behaved most shamefully to us, for although they knew of what importance despatch was to us, they, without necessity, sent us from Syra in a steamer of which the engines were out of order. The consequence was that when the wind, which was contrary, freshened a little, we made no way. The machines got worse, and we were obliged to put in to Scio for repairs. Thus we did not reach Alexandria till the 26th of Nov. Had we reached Alexandria, as with a better boat we should have done, on the 24th, we, or some of us, would in all probability have been in time, for the mail was delayed in its passage up the Nile, and did not reach Suez till the 28th. We staid at Alexandria ten days, finding the accommodation there very good, and, after a fair passage up the Nile, arrived here on the 8th.

Mrs. W. has at times been very poorly; she was naturally dreadfully disappointed at not reaching Suez in time. She is a most agreeable intelligent person, and I feel her society takes away much from the *ennui* of a forced stay in Egypt. Our party is fortunately an agreeable one, and we amuse ourselves here very tolerably. We went, a large party, to the Pyramids three days ago. We were sixteen in all: our four young ladies (we sport four) honored us with their presence. Mrs. W. did not feel equal to going. We were two days in making the excursion, bivouacked in the rooms of the Pyramids, and ascended and descended according to rule. All the ladies ascended the great Pyramid, and gained immortal applause by the feat. We made a magnificent cavalcade on donkeys (the usual conveyance here) and enjoyed ourselves extremely.

We cross the desert on Wednesday, the 18th, and hope to reach Bombay about the 10th or 15th of January. I have been very well, and hope to escape everything but flies and mosquitoes, to which Egypt is subject. I shall be very glad

to hear of you all again when I get to Bombay. I pray you all continue in good health. Love to all.

Believe me ever

Your affectionate Grandson,

SEB. S. DICKINSON.

Bombay, Jan. 30, 1840.

My dear Grandmother,

I cannot allow the first packet after my arrival to leave Bombay without letting you know how matters fare with me hitherto. Our detention in the West, after all, turned out rather as matter to be pleased at, than grieved with, for it only occasioned a delay of ten days in arriving at Bombay, and saved us the inconvenience of making the passage down the Red Sea in a vile old tub which is unfit for the service, and procured us, which was necessary for so large a party, a very commodious steamer. We arrived here at 2.30 in the morning, and consequently the steamer quietly slipped into the harbour without observation. Mrs. W. and her daughter and I landed immediately, with the Captain, and had to walk about a mile to her Bungalow on the Esplanade, where we knocked up Mr. W. and almost overcame him with surprise ; and when the first moments of meeting were over, he ordered a Shigram (a carriage peculiar to India,) and sent me home. We live about four miles from the Fort, where all business is transacted, and I arrived home about four in the morning. I took them quite by surprise, for the steamer was not expected for a day or two. My mother got up, but would not awake any of the others ; so I went to bed and got a little sleep, and saw my father and sisters at breakfast. They are all looking extremely well, my father as young and active as you have heard. He is very regular in his habits and takes a great deal of exercise, and when he gets away from the Fort in time of an evening he has a game at cricket, for which he has established a ground here.

. . . . I must now give you an account of my own doings. I live in a little Bungalow detached from the house, built in my father's peculiar fashion, with little narrow doors and windows. It consists of a bedroom, which is of a nice size, with a dressing room and little bath room, and another little room which I don't use except as a lumber room, forming a very comfortable suite. Sarabjee,* to my agreeable surprise, is my allotted servant. Here the establishment of servants is very extensive. When you go to dinner your own servant attends, and as they are all clever and expeditious and quiet in waiting, there is never any lack of attendance at dinner, however large—and the dinner parties are very large here—the party may be. Sarabjee is quite delighted to have me for his master. He tells me he wrote you a letter lately, which I suppose you have duly received.

We breakfast soon after eight. Sometimes my mother takes a ride before breakfast, starting at six and coming in a little after seven, when the sun begins to be felt, and I accompany her. She is not so bold a horsewoman as formerly, but enjoys a canter on her very nice horse amazingly. Close by us is a very nice riding ground, extensive flats intersected with soft cart roads, so that we have not far to go for a canter. The roads in these parts are beautiful for carriages, but being very hard and very much watered, dangerous for riding.

I have got very nice chambers in the Fort, to which I am transported after breakfast in a palanquin. It takes me an hour to go, which is inconvenient. I did not at first much like the notion of a palanquin, but am used to it now. I have not as yet had much to do : the amount of my fees up to this time only amounting to seven gold mohurs, or about ten guineas. But there is no business doing now, and the

* A favourite native servant, under whose charge some of the young children had been sent to England.

approaching term will not, I fear, bring any very great addition to it. The late proceedings in China—the destruction of so much property belonging to the Bombay merchants—has brought so many of the people here into depressed circumstances for the present, that there is no money to spend in law. The suspension of the opium trade, moreover, has put a stop to all business arising out of the transactions respecting it, which were a very fruitful source of litigation. The Bar here now is very full ; a short time ago there were only two barristers. One arrived just before me and two or three more are expected every day, so that there will be somewhat of a struggle for the lead, and some will get but indifferently off. There is plenty of business for four here, but we shall muster seven or eight.

The weather now is quite cool ; it is, in fact, the cold season, and although in the day, when the sun is out, it is hot enough, yet the mornings and evenings are quite cold. But it is not a very pleasant or bracing cold ; the breeze is cold, but the air is not. I don't know how I shall like the hot weather ; but I think, as far as one can judge, that I shall not dislike the climate here. I don't find the people looking so ill and cadaverous as I expected. This, I believe, is attributable in great measure to their periodical visits, during the hot weather, to the hills. I was delighted to see your handwriting by the last Packet, and pray you may continue to enjoy health and happiness. All unite in love to aunt F. and all friends at home.

Your affectionate Grandson,

SEB. S. DICKINSON.

On his arrival at Bombay Mr Dickinson had, as he observed, found the Bar fuller than he expected, and during his first two or three years there, he often complains of want of work ; but his industry

and ability at length brought him to the front and his professional career proved an unusual success. Before long he had distanced all competitors but one, with whom, till he left Bombay, he continued to divide the principal practice at the Bar. This gentleman, in a letter as early as 1843, urging him to act as his junior counsel, in an important case, thus writes : "I told Mr. W. that I considered you without any exception of Bench or Bar, the best lawyer in the court ;" which marks the estimation in which he was even then held.

The twelve years spent in Bombay was a time he always looked back upon with pleasure. He worked steadily at his profession, never spared himself any trouble in mastering details, and never allowed any amusement to interfere with his hours of work. Duty with him then, as in after life, always held the first place. He was at the same time equally regular in adhering to certain hours for exercise and recreation, seldom omitting a daily game at rackets, and finding time also for occasional riding and rowing. This, together with his temperate habits, doubtless enabled him so well to withstand any injurious effects of the Indian climate, and to return to England as strong a man as he left it.

While Colonel and Mrs. Dickinson remained in India their son was able to enjoy, under their roof, the home companionship he always so much appreciated, and afterwards he found a kind of

second home in the house of his parents', and his own, most intimate friends, Mr. and Mrs. W., whose society conduced much to the happiness of his Indian life. He was accustomed, till they too finally quitted India, to spend all his disengaged evenings with them, and frequently to join them for a few weeks during the hot seasons at Khandalla or at Mahabuleshwur. Many, who knew him when he possessed a house of his own at Bombay, speak of his exceeding kindness and hospitality, and tell how it was always open to any he knew, who, on arriving at Bombay, were in want of a temporary home.

A few extracts from his letters will afford some insight into his life and thoughts, at this period of his life. He was always, as he expresses it, "an advocate for frequent correspondence among those who would keep alive mutual affection," and, as he adds "the labour and exertion of writing is a very small penalty to pay for the pleasure resulting from such mutual intercourse, and is in itself much diminished if, by frequency of practice, it becomes almost a habit."

These sentiments he fully carried out in his own practice, always, when in India, writing regularly and fully to his relations in England, and to his sisters settled in distant Indian homes. And during his later years, though the press of business necessarily lessened his friendly correspondence,

still he never grudged, when possible, thus, to bestow a little time and trouble on absent friends.

To his Grandmother :

Mahabuleshwur, May 20th, 1842.

My dear Grandmother,

I have indeed to thank you for all the trouble you took in endeavouring to get me recommended to Sir George Arthur . . . . When I wrote to you I did not wish to entail on you any further trouble than asking for the S. interest. I am not sorry that we have a perfect stranger to India, as a Governor. He will have no prejudices, it is to be hoped, in favour of the servants of the Company, and against other people. I ought to have considered that you would not spare yourself trouble before I wrote my letter to you, and am the more thankful to you for the trouble. It proves however, which is indeed most gratifying to us, that the winter has left you as unimpaired in energy as it found you.

I don't know where Mrs. ——— picked up the news that I was coming home again immediately, as nothing is more improbable than my early return to England. I continue to like India very much, and as the guineas do not drop in too plentifully, I see no immediate prospect of my leaving the tree from which I gather what come to my share. We have too many Barristers here for the work, and too little work for the Bar, and none seem inclined by departure or otherwise to lessen the number. I consider myself fortunate in holding a small appointment, though it ties me down to Bombay . . . . Aunt F. would enjoy a stroll about this beautiful country and would delight sitting in the cold breeze of an evening. We were very gay here—actually got up a fancy sale, and an admittance of one rupee per head produced seventy-four rupees, so you see what an immense concourse

of people there is here, for all the people were not there. The sale, which was for the benefit of the Missionaries' School here, altogether produced about £70 or £80 . . . . .

To his Grandmother :

Bombay, October 31th, 1842.

My dear Grandmother,

Many thanks for your last letter, I am afraid you write too much now, but it is so great a pleasure to hear from you, and such good accounts, that I am too selfish to urge you too strongly to write less . . . .

Yesterday I received a letter from Mr. W., mentioning that Sir George Arthur had spontaneously expressed a desire to serve me, and asking him how he could do so. There is very little in the Governor's gift for a barrister, but he suggested the shrievalty for the next year, and I came down yesterday evening to see whether I could accept it. We have a strange sort of a Chief Justice here, and as he may object to my holding it and practising at the Bar too (though I don't think he will,) I am not quite sure whether I shall be able to accept it. I hope, however, that I may, in which case it will put five or six hundred pounds in my pocket. It only lasts a year, but it is not to be despised in these days.

I am going back to Khandalla this afternoon, and have but little time to write so that you must excuse my hurried note; but, I thought you would be very glad to hear that Sir George is desirous of assisting me. It came quite unexpectedly, as he had never said anything to me, and I had no reason to think that he intended to do anything for me beyond what you had written.

To his Grandmother :

Bombay, March 4th, 1843.

My dear Grandmother,

Your accounts of yourself are truly gratifying, and the only drawback I feel, in the pleasure of receiving letters from

you, arises from the knowledge that your correspondence is already too extensive, without your being so indulgent to me.

I am duly installed as Sheriff, but the office has not that conspicious prominence here, which it has at home. It has always been a piece of nice patronage for the Governor, for his friends, and in good old times the emoluments were considerable ; but they have much dwindled, and are now very small. But I have not to keep up any state, or be at any expense for the entertainment of the Judges, as the Sheriffs in England are. But, as there is no labour attached to the office, I should be glad if it were made permanent, instead of being merely a yearly tenancy. However, one has plenty of opportunities, in every station of life, of being liberal, and abstaining from being niggardly, and I hope I shall not be chargeable with either illiberality or meanness ; though alas we are too apt to fall into these bad habits in this money-making age.

To his Grandmother :

Bombay, April 30, 1843.

My dear Grandmother,

You will in a few days hear of my father's determination to retire from the service, which has since been carried into effect; for he has appeared in orders to retire from the 10th of May. . . . .

So you see the time has at length arrived, which you scarcely expected to see when I left England, when you will again embrace your long absent son. I shall be very anxious to hear how they get on, on their first arrival in England, and where they will settle down. They will not I hope, however, be in a hurry, and they must from the beginning of their English career consider their actual income, and the time of its payment. Money is generally so plentiful here, and the pay-office deals out its riches so regularly, on the

1st of every month, that people do not calculate so much on the real value of money here as they ought; and, although England is a cheaper place in many respects than India, Indians cry out dreadfully at the expense of living in England. The cheapness here of servants and articles of consumption is really more than counterbalanced by the profusion of them in which we indulge. Such is the custom here, and one can't go against it; and the consequence is that even people who have the credit of being good managers here would find themselves out at elbows at home. The climate forces some expenses on you, for, as you cannot walk about, you must keep a conveyance, and there is not a married subaltern who does not keep a carriage, or at all events a buggy.

They will, in the first instance, have your good advice, and also aunt F. must undertake to instruct them in the mysteries of English housekeeping, and the system of English servants, who are so different from Indian servants. My father is very fond of everything Indian, and scarcely believes in the possibility of anything in England being so good,—an opinion in which I cannot coincide, for I think almost everything in England is better than in India. They will be a great loss to me; I shall now have to begin keeping house for myself.

Bombay is a dreadful place for bachelors. There are no lodgings to be got, and you can't get a good house in the town under about £200 a year, and if you have a house in the country, with an office in the fort, it costs you much about the same, so that a bachelor's expenses here are equal to those of a married man without incumbrances, and about twice as much as a bachelor's in London.

We have had an accession to the Bar here, in the person of a Mr. H., who was called to the Bar the same day as myself, but nevertheless I am no longer the junior barrister here, as

he is my junior. We have, however, too many here to make money, and H.'s coming has driven away one who arrived here about a month or two before me, who, finding so little to do in Bombay, has taken advantage of the present state of affairs in China, and is going to try his luck there, in the event of any court being established there. However I am happy to say I do not lose my practice, and have the credit generally, and I believe it is not far off the mark, of having the second-best practice among all the Bar here, which, considering my standing, is very creditable. If I can keep that position I shall be very well satisfied, and, from what I have seen of our new man, I do not think he is likely to injure me, as he seems nothing my superior.

To his Sister, Mrs. Fulljames :

July 22, 1843.

My dear Fanny,

. . . . Yesterday I had to superintend the execution of the unfortunate man who was tried last session for killing a child. It was a dreadful business, and not a very agreeable part of my duties. The rope slipped, and the poor man was some time before he died. It was a rainy morning, which would, I should have thought, have quite prevented any concourse of people to see a most disagreeable spectacle, but there seemed a considerable crowd about as I went to the jail. It is a sad institution, and I confess I should be disposed to abolish capital punishment altogether, more especially among a set of people who have so little regard for human life, as well their own as that of another. The spectacle is anything but a warning, and is, I should say, demoralizing. The idea of inviting, as it were, the people to witness such a barbarous proceeding, which public hanging amounts to ! If life is to be taken away, I should say it is better to take it away in secret than as a spectacle to a gazing multitude. I could not look on while

the execution was proceeding; but I could not help seeing the body hanging in the air, more especially as the business was badly done, and life was not extinct for some minutes.

We all dined at the M.'s yesterday, and Col. T. arrived the same day *en route* to England. He travelled "Dawk" from Lahore, 1500 miles, which took five weeks. I should think he sighed not a little for railways. From Agra to Kahee he had one set of hamals—twenty-six men who travelled at night, at the rate of twenty to thirty miles a day. A slight difference between this and modern European travelling!

My wall building is nearly completed. Everybody is wondering at my proceedings, and some abusing me for encouraging Idolatry, because I have built a god-shop in my wall for the reception of the deified stone which you may remember there was in my place. There was a little building with two or three stones smeared with red paint, which I wanted to remove, and I did not like to take away the thing entirely, so I have built a little niche in the wall, where I am going to place said god. I thought it was a shame to deprive the poor people of their god altogether, and so they say I am encouraging idolatry because I have transferred the god from inside my compound to a niche in my compound wall. But if they abuse my kindness, and the god becomes a nuisance (which I don't think it will,) I shall build it up, and suffocate the *deo*.

How is Macaulay getting on? I have not yet got the book, and have been doing very little in the reading line of late. Indeed, I only get my palanquin ride into the Fort of a morning, for reading; and one of my last is Mundy's account of Brooke and Borneo. I wonder whether anything good will eventually come from the doings of the Rajah of Sarawak. What a curious line of life he has chalked out for himself; and it certainly deserves success, and has hitherto

commanded it. He has had a great deal of excitement, and that is with many a great source of happiness.

Aug. 3, 1846.

I have been quite a stay-at-home. My evening occupation has been reading Arnold's Life, which I recommend to you for perusal. I fear it will shock some of your ideas about Padres and Church ceremonies and observances. I find it very much in unison with my own feelings and opinions on a variety of subjects.

From a letter announcing the death of a young brother:*

June 24, 1848.

. . . . are they not to be rather envied than pitied who are early taken away from this scene of trial and temptation, where so many make shipwreck of their souls? I have just been looking at the Funeral Service, and there, in truth, is the idea pervading the last prayer but one; though to realize the spirit of thankfulness to God one must feel entirely sure of the acceptance of the lost brother; and at first the words fell unacceptably on the ear. When we are regretting his loss, and would give every earthly treasure to ensure his recall—when we are almost murmuring because God has thought fit to involve us in this dispensation, and would pray with unusual fervor for a repetition in our favour of the miracle performed on behalf of the widow of Nain, and the weeping

* Alexander Wedderburn, (General Dickinson's youngest son) who had entered for the Indian Civil Service, and, 1848, joined his brother Sebastian in Bombay, to remain with him while studying the native languages, preparatory to passing for an appointment. Within three months of his arrival he was seized with fever, which terminated fatally.

family of Lazarus, whom the Lord loved, it sounds strange to thank the Lord for having taken away the object of our love, when living, and of our lasting regret when dead. And yet that is the feeling to which we must bring our mind. We may consider in ourselves the worthlessness of earthly existence, not in a spirit which shall not be full of gratitude to God for the many blessings which He gives to render life itself an enjoyment, but in a spirit of comparison of its griefs and joys—its chequered character—its numberless sorrows—its unsatisfying nature, with the state of existence of the elect beyond the grave; and, giving it its true character, of a passage merely from our existence to eternity, may feel that we would not reproach God if He would graciously number our days, when the task had been accomplished of rendering ourselves His servants, and fit for admission into His presence.

. . . . In this country there is no lingering illness, warning the patient of a coming dissolution, and giving him opportunity to sweep out his house. Not that such prayers avail much at such a season. It is when health is good, the spirits are high, life is pleasurable, and its enjoyments and temptations are within grasp, with its active duties and occupations, that godliness of life and conversation avail, and prove the sincere Christian and true believer. May we all endeavour while we have life so to act that we may not fear the approach of sickness in its most sudden form! The task must be within our competence. God would not have created man with powers inadequate, if rightly directed, to work out his own salvation.

. . . . God bless you and be with you. You must love me all the more now you have one brother less, and I will try to be more than ever

Your loving and attached brother,

SEB. S. DICKINSON.

Bombay, 6th Aug., 1848.

My dear Fanny,

The fatal intelligence* which our last letters from England communicated will fall as suddenly and painfully on you as it did on me. How cheerfully did dear E. write in her last letter to me, looking forward to her return to India quite with pleasure; and how soon are these prospects darkened. I had been looking forward, not however without that misgiving which dear Alick's untimely end was so calculated to strengthen, and which attends all our hopes and aspirations, and all our schemes and plans here, to next November, when I had hoped to have had her under my roof. . . . .

Death has been very busy here. I told you, I think, last Sunday that Sir — — was ill: he died yesterday morning early. I had not seen him since Alick's death. He wrote me a most kind and affectionate note on that event. He had, under a rough exterior and manners, a warm heart. He died among strangers. I attended the funeral, which was numerously attended, and was an affair of pomp and ceremony; but the total absence of feeling in the whole community shocked my feelings much. Which of us then present, and the Cathedral was crowded, could say that the next procession of a hearse would not contain his own remains; yet everybody was talking as if in a ball-room, rather than waiting to follow to its last resting-place one who, a week before, was in authority and power. I could see no traces of sorrow, no tears of affection, in the miscellaneous crowd. The gateways were crowded, and the houses and roads thronged with spectators. The military made a road half a mile long, and a pagan band played the Dead March in Saul. I confess I do not like attending a funeral.

* The death of his brother-in-law, Major Wemyss, which occurred in England, in June, 1848.

The solemnity of the service is lost when you see that the attendance is no tribute of affection, but a social form gone through. How can anyone whose feelings are deeply affected mix in such a scene? When dear Alick died my first impulse was to shrink from such contact, and not attend his remains to the grave. Not one in the assembly could have a feeling in unison with mine, and I thought of the applicability of the saying "Let the dead bury their dead," and that society is cruel in requiring the mourners of the heart to join in such a ceremony.

September 9th, 1849.

My dear Fanny,

. . . . I don't imagine a person can't be cheerful because he or she eschews dancing, and I don't think dancing has anything to do with cheerfulness. I think I only observed that I could not understand how people could consider balls wicked and dinner parties not; as all the vicious dispositions and feelings of the heart are as much, nay more, exercised in the one as the other. I am quite of the opinion that people should do just what their conscience dictates to them is right, and avoid that which they conscientiously think is wicked or dangerous, or of doubtful propriety; and I only wish that every one acted on this principle, and also allowed others to do the same.

We are all strange compounds of inconsistencies, and are more quick-sighted at discovering the inconsistencies and frailties of others than endeavouring to pursue a consistent course. The fact is that the standard of Christian conduct, which, if we attend to the spirit and letter of the Gospel, we must establish for ourselves, is so high and pure and self-denying, that we have not courage and perseverance to adopt it for ourselves, nor courage to subject the infirmities of our nature to its power, and our life is a constant struggle to reconcile our affections to its requirements, which ends in a

compromise which consists in our being severely strict on some points and indulgent on others; which may account for the wide discrepancies of persons holding a common faith, and esteemed by themselves and others conscientiously religious.

. . . . When I recommended passing in the native languages, I am perhaps open to the retort that I have not done so myself; but my case is different. I am not a candidate for Government employ; the acquisition would to me be of comparatively little use, and my time is more profitably employed in other ways, though as it is, I sometimes contemplate—if I should ever have an hour a day at my command for such a purpose—perfecting my acquaintance with Hindostanee sufficiently to undergo the ordeal of an examination; but as my professional reading has fallen some three or four years in arrear, and promises to get deeper and deeper into arrear, I do not think I shall find the time to take up Hindostanee again to any effect, till I shall be thinking of leaving India altogether, and moreover, I am the only one at the Bar who possesses anything like a knowledge of the language. No one else, I believe, can understand the plainest and easiest sentence. If I should go up (and Government would allow me) to the Examination Committee, it would be rather to gratify my father than for any eventual good it could do for me.

I doubt the correctness of your views on the education of the natives, or the reasonableness of your fear of shaking their belief in their ancient creed by the infusion of knowledge. If their belief be a dangerous one, then being shaken in it is of no importance, unless the effect of it is to make them worse members of Society. As their creed, however, teaches no moral law, which, irrespective of Revelation, commends itself to the educated mind sufficiently to become obligatory on the conduct, a change far short of conversion to Christianity is a beneficial one; and to make Christianity a necessary accompaniment to education, to the native mind,

is to throw difficulties, I believe, on the ultimate object of conversion. The prejudices which enwrap the native mind must first be subdued by education before it can receive and appreciate the doctrines of Revelation, which, without education, present many features as startling and incredible as the inventions and histories of the Hindu godhead. The missionaries, devoting themselves to the bible, deem it all-sufficient for the purposes of conversion ; and, acting in that spirit, can scarcely be said to have succeeded in their labors, whether of education or conversion. I am not learned in the catalogue of tracts, but I have never seen a popular statement of the Christian religion, setting forth plainly and intelligibly its essential doctrines and precepts—the mysteries of a Godhead and the Atonement, and the law of love toward God and man—the precepts commending themselves to the minds which cannot have faith in matters beyond their comprehension, by their nobleness, purity and beauty—the attributes of a divine and not a human law.

With much love, believe me,

Your affectionate brother,

SEB. S. DICKINSON.

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19 May, 1850.

. . . . I spoke to-day to one of our Inspectors to get me some intelligent young fellow to come and spend his evenings with me, and as he said Mahrathi was easier than Guzerathi, I think I shall tackle to with Mahrathi. I should like to have such a knowledge of Guzerathi and Mahrathi that I could read off and understand the records of a civil case in one of the Mofussil courts. I am the only barrister, indeed I believe the only lawyer in either branch, who can understand a native's explanation of his own case in Hindostanee. I understand it imperfectly, it is true, and am at a loss very often to explain my own

views respecting their cases, but I can generally manage to get a pretty clear understanding, without requiring the intervention of any interpreter. I think I shall set to work with Mahrathi.

May 25, 1850.

. . . . I had made up my mind to have my Mahrathi tutor to spend the evenings with me. He came on Thursday and Friday, but beseeches so hardly to be allowed to come in the morning that I have consented to his doing so ; but I cannot manage the time necessary for an every day lesson of a couple of hours, so I intend to have him three times a week—every alternate day. The worst of the oriental languages is that the written character is novel and not easy to acquire, and as my chief object is to be able to read original papers in the vernacular, it will require a good deal of time, so I dare say I shall be able to keep myself well occupied during the evenings in preparing for my morning lesson. I wonder whether I shall succeed ; I suspect not, for I shall, I fear, find it too tedious, and I cannot spare any time during the day, for, from ten to four or five, I am occupied with my professional business, and am not anxious to find any portion of that time idle on my hands, though I fear, with diminished business in our courts, such a very undesirable consummation may be anticipated ; but even then, I am so dreadfully in arrears in my professional reading that I must appropriate any idle hours I may have in the day-time to that. I now wish I had set to work some years ago, when I was less employed, on such studies ; but it is only of late, since the Suddur Adawlut has been open to us, that there has been any object for us to acquire any knowledge of the vernacular dialects of this side of India. In the business in our own courts, such knowledge is scarcely of any appreciable value.

Bombay, 25 August, 1850.

My dearest Fanny,

I have to acknowledge G.'s letter. He would be relieved from all anxiety by the next day's post, and find that I had forgotten to post the letter—a proof of extreme carelessness or of the forgetfulness of old age. The former, I fear, is nearer the mark, though I am getting old too, and have no wish to stay twenty-five years in India, which he says is about the time when we may think of turning to a life of idleness ; but, at the same time, I do not think I should have the slightest desire to take to professional occupation in England, and as little to stay here, merely to make money, after I had made enough to live upon with comfort.

. . . . I would willingly pursue my profession for its honours, when I would leave off the pursuit of money merely ; not but what money is better worth having than honour, but money generally accompanies honour, and there is something in distinction which attracts us.

But there are other things better worth living for than money, and I sometimes fancy that I might do some little good in my time and generation by living in England on a moderate competence ; but one requires something beyond one's own expenses. If your income is only enough for your own wants you can do little good ; but money is not the only agent that can be turned to account, though it is very essential. If mine was a Seniority service, and by hanging on I could get on the Board, I would do so, but as it is I have no chance of ever getting anything, even by a system of ingratiating oneself with those in authority, which is very foreign to my nature and disposition. My views will be limited by realizing a sufficient income for every prospective want.

Bombay, Nov. 10, 1850.

My dearest Fanny,

I returned last Wednesday, having taken the whole holiday, and I think the change has done me good, not

that I had anything the matter with me, but I liked the place and mode of living, and doing nothing in the society of those I love. I am very indifferent to excitement; and if a person cannot be happy in an agreeable climate, a beautiful country and pleasing society, why it is not very material how soon he tries a change to another world. I confess myself easily satisfied in these particulars, and begin now to look forward to the time when I may retire from the accumulation of money, and live a quiet decent life in England. The *dolce far niente*, according to my definition of it, with no necessary occupation beyond what you please to impose on yourself, has great charms for me, and is worth all the excitement of more stirring and ambitious feelings. I left Khandalla on Wednesday morning, and had a pleasant journey down—if a journey can be pleasant when you are leaving those you like to come into harness again: not that I complain of my harness, it fits me remarkably well, but I am not so wedded to work as to think that I shall be unhappy without it. Work has always been with me a serious affair, and I shall make the non-work as serious a one, if the time should ever arrive for my indulging in leaving my profession.

To another friend he writes at this time in a similar strain:

I have no ambitious views myself, and think that there are higher objects in life than professional fame and the acquisition of money. I do not contemplate remaining in India any longer than will be necessary to secure a competency, with some surplus, which may be available to benefit those on whom fortune has smiled less prosperously; and I sometimes look forward to the exercise of the charities of life, not in giving pecuniary assistance, but by personal intercourse with the more destitute members of the human family—as a fit occupation for declining years.

To his Sister:

June 20, 1851.

. . . . It (the cholera) is a dreadful scourge, and I never hear of its visiting any place without alarm, and although I entertain no personal fear, yet when it prevails in the neighbourhood of one's residence, one cannot help feeling that life is more precarious, and that one is living nearer the grave than at other times. Nor is the feeling one to be discarded, for I think it exercises some little influence on one's habits and modes of thought, though, with the occasion, the practice may depart. Yet all good influences, however transitory, leave some good seed behind, or at least check the growth of weeds, of which, with all the care we can bestow on ourselves, there is an abundant crop ever springing within us.

March 7, 1853.

My dearest Fanny,

The mail arrived somewhat earlier than I expected, for the steamers, which look after the interests of us poor ducks, are of the slowest kind; and I had some satisfaction the other day in signing a petition to Parliament, asking for an improvement in the present system of mail communication with Bombay. Nothing can be much worse, and I really think my going away on the 20th will depend much on the steamer which is appointed to take that mail.

My mother, you will see, abstains as carefully as possible from urging my going home, but I really think that circumstances point out this as a very appropriate time for taking the step. All other parties say that my mother wants some society, and I must not allow her negations to weigh against so many positives. . . . .

If I act on my mother's suggestions, why I should stay here for the next ten years, unless my health failed me, and I should do but little in my time and generation but gather money for another generation to spend. I think that it is

truer wisdom to rest satisfied with a moderate competence, and, if you find it insufficient for generous impulses, to be a little more self-denying. There is no merit in being generous when the exercise of generosity entails no loss or self-denial; nor indeed is there much merit in it then, nor in any good action, but it is profitable to be actuated by such feelings, and right to encourage them. . . . .

Good Friday was my birthday, 38—a very elderly gentleman. Methinks it is time I started some new manner of life, and left the Bombay diggings. Another year would doubtless give me an agreeable addition; but in other respects I think my return to England now will be more advantageous to my mother, than £5,000 more would be to myself; so I don't think I shall change my plans. With much love,

Your affectionate brother,

SEB. S. DICKINSON.

Bombay, April 10, 1853.

My dearest Fanny,

Time is hurrying on, and in less than three weeks I shall have turned my back on Bombay. I can scarcely realize the idea, for everything is going on just in its usual course, and I have not yet commenced my packing operations.

W. joined us at the racket court yesterday, and told me that the Board had passed on Willy's leave for sanction, so I suppose there will be no difficulty in his getting it, and I hope that he will get down here in time for the great field-day, next Saturday, when the Gt. Indian Peninsula Railway is to be opened in form. I am glad that I shall be in the country on the auspicious occasion, and I hope there may be no renewal of misadventure, as the blowing down of the shed on the esplanade, the other day, was. I have not been out in the daily experimental trains which have been lately running, for I have not had time. I began to fear that the

Court would not get through the arrears of business for a fortnight, but I am in great hopes that by next week we shall be released from an attendance in court, and then I shall set to work in very earnest in setting my house in order. . . . .

I am considering whether I should take with me anything in the shape of liquors or of ice, to provide for the possibility of the contractors' provisions being indifferent, but I ought to commence bidding adieu to luxurious and indulgent habits as early as possible. I had some idea of taking a servant with me to Suez, but I shall not do so ; I daresay one can get waited on by one of the contractors' servants. I have gone to the expense of a cabin passage, and my chief object in so doing was because I like a place to dress in and keep my things in, for beyond that, it is of no use, as I shall always sleep on deck. My going now is no longer a secret, as it is talked of in court, and therefore there is no chance of a change in my plans.

Bombay, April 17, 1853.

My dearest Fanny,

This is my last Sunday but one in India, and I am about as forward in my preparations, I think, as I was a month ago; and really I am somewhat puzzled respecting my proceedings for the next ten days, for that is all I have left, and striking off Sundays I may call it only nine days, to get myself ready for the homeward trip. Necessity knows no law, and I daresay somehow or other things will come straight. I hope so, at all events, for go I must now.

We had a grand field-day yesterday, and I am very glad that I was here when the railway opened. It was quite a fête day. The trains took out some five hundred people ; we were fifty-five minutes going, and fifty coming back, including stoppages. There was a most elegant cold collation set out in a large tent, and lots of champagne, ices, &c., besides more

substantial food. Luanson, as Chairman of the Directors, presided; he was very nervous, but on the whole got through his speeches very well. Sir Wm. Yardley, Sir Chas. Jackson and Sir H. Leake were the three visitor speakers; and Berkeley (the Engineer,) and Crawford also spoke, and the whole went off very well. We got back to dinner a little after eight, having left at half-past three. I am afraid that there will not be much passenger traffic for some time to come, but they commence active operations to-morrow. I should not like to be the driver during the rains; he will get some most merciless pelting during some of his trips. They are not going to run very fast at first, in which he was right. The prices seem, I think, moderate. I must, I think, take a run to Tannah and pay the fare before I go.

Mr. Dickinson's return to England, in 1853, terminated both his Indian life and his professional career. He found his grandmother alive, but, at the age of 93, she had sunk into so feeble a state that it was doubtful whether she was conscious of the happiness to which she had so long looked forward in meeting him. The following year she passed away.

The autumn of 1853 was saddened by the news from India of the death of Major Fulljames, who had been cut off in the fulness of health and happiness, and in the midst of an honorable and successful career. This event caused Sebastian to make a rapid journey again to the East, in order to meet his widowed sister; and it was not till the following year that he finally established himself

in an English home, at Brown's Hill, Gloucestershire, where his youngest sister, Mrs. Wemyss, and her family resided with him till his marriage, in 1856.

And now, settled down quietly in the country, he entered on that new phase of life and employment which he was to occupy for the remainder of his days. It is not often that we see so complete a realization of earlier aspirations. Dreams of the future are so frequently composed of such conflicting elements that their fulfilment is scarcely possible. But the kind of life which Sebastian Dickinson had pictured for himself was, as we have seen, to retire upon a moderate fortune, and to lead a quiet life, doing some good in his time and generation.

"I feel so satisfied," he had written some years previously, "that as we advance in life the world takes more hold of us than in our earlier years, and if we indulge that desire to be always occupied with business, in other words, money-making—for it chiefly resolves itself into this—death finds us, at whatever age, if our faculties continue, exercising those faculties, not in the active service of Christian charity, but in assisting in plans and schemes which have only this world's progress for their object."

When at the height of his professional career, when every year would have added largely to his future income, he had the self-command to give up such prospects and to return to England in the

prime of life, before all his best years had been spent in the acquisition of wealth.

The legal experience and business habits gained during the years he practised at the Bar, were doubtless an invaluable preparation for the work that afterwards devolved upon him; but had he clung to his profession for ten or even for five years longer, he would probably have found it much harder to enter on a new sphere of work, and, after the freshness and vigor of youth had passed, to direct his thoughts and energies into fresh channels.

In a short time, as may be imagined, employment such as he desired began to fall to his share. Never much disposed to thrust himself forward, he usually waited quietly till work came to him, ready to respond to any call to usefulness, and never engaging in any office without a full intention, always carried out, of fulfilling all its requirements, at whatever sacrifice of ease or convenience.

By the year 1860 Mr. Dickinson had entered on much of the routine of work which occupied his future life. Soon after settling in the country he had, at the instigation, and through the interest, of his future father-in-law, Mr. Hyett, become a Poor Law Guardian, and had been appointed Chairman of the Stroud Board. He had been made a Magistrate for the County, and took much interest in

the management of the County Prison and Lunatic Asylum. He was also on the Committee for the Asylum at Barnwood. He had joined the Stroud Volunteers, and had been appointed to the command of a Company. He had undertaken the duties of Secretary, and the general management of a School of Art in Stroud. He was on various committees of local schools, clubs and institutes, with constant engagements for evening meetings or lectures. He was besides always ready to take part in any work which accidental circumstances might bring temporarily to the front; as, for example, in the cotton famine of 1862–63, he became Secretary and Treasurer to a Committee which was formed in the borough of Stroud for sending relief to Lancashire, and which, by perseverance and the organization of weekly collections, succeeded in obtaining upwards of £2,000, such supplies only ceasing when no longer needed.

As time went on his work necessarily increased; not a year passed without his name appearing on fresh committees and boards, and for him to give his name, implied, almost invariably, personal service. A glance over the pages of his engagement memorandums reveals a curious amount and variety of occupation. In his later years the position of Member of Parliament and that of Chairman of Quarter Sessions added still further to his labors. But work was what he had desired,

and what he liked. His early habits of business, and his own peculiarly quiet methodical ways, enabled him to get through his multifarious duties with comparative ease; and they are thus enumerated not as constituting claim to uncommon merit, but rather with the view of forcibly marking the character of his life.

Lengthened details of all Mr. Dickinson's public work would be superfluous, but the following slight notice of a few of its principal branches may not be without interest for his friends.

In any such record the promotion of Education should take the first place, for to nothing did he apply himself with greater zeal and pleasure. From the first year of his settling in Gloucestershire, when he was placed on the Committee of Management of the National Schools of Painswick, till the last year of his life, when he became Chairman of the newly-formed School Board of that parish, he took the warmest interest in its schools, entering into all the practical details of their management, and maintaining that cordial intercourse with the teachers which enabled all to work heartily together.

Any educational efforts also beyond his own parish he would readily aid, deeming it a simple matter of duty for those, who enjoyed its advantages, to do their utmost to place education within the

reach equally of all classes and denominations. His first step in this direction was to co-operate warmly in the establishment of the "Gloucestershire School Prize Association"—a scheme which instituted examinations of children from primary schools, and gave certificates and prizes to all who passed them creditably. The object was, in the first place, to induce parents to keep their children longer and more regularly at school, while holding out to the children additional motives for diligence and good conduct; and secondly, it was considered that such examinations might assist, not only the managers of schools and the parents, but also the teachers, in testing the character of the education given at school. It had been for some time felt that some test was required. There were at that time far fewer schools than at present under Government inspection, and in these the system was rather to inspect the general state of the school than to enquire into individual progress.

An experiment of the same kind had been tried in Staffordshire with good success, and early in 1858 the late Mr. Bowstead, one of H.M. Inspectors of Schools, in conjunction with Lord Ducie and a few other gentlemen, started the above association. Mr. Dickinson undertook the Secretaryship, and entered heartily into its working. It was a movement which commended itself strongly to him, both as supplying a want, and also from its

unsectarian character. It was based on thoroughly broad principles, being open alike to schools of all denominations, throughout the county.

Local centres for examinations were fixed upon, four examiners were appointed, and many schools joined the Association. The promoters of the scheme desired that there should be a fair examination of the children in religious knowledge, as well as in other subjects, and here the religious difficulty intervened, some controversy arose, and a large proportion of the Church of England schools held aloof. Mr. Dickinson did not believe that such difficulty would, in practice, be found to exist; and in fact the Examiners—one of whom was a clergyman of the Church of England, and another a minister of a Dissenting congregation—were able to unite in setting papers of questions on religious subjects, admirably calculated to test the children's intelligent understanding of the Scriptures, and their powers of applying such knowledge. The first year's examination was a success, as regarded the number of children mustered at the various centres of examination; and although the result brought to light much ignorance and defective learning, which surprised and dissatisfied many of the teachers, still in the following years there was so marked an improvement shewn, as to lead to the conclusion that the Prize Scheme had done some good work. After

three successive yearly examinations the Society suspended its operations for a time, and it was not afterwards thought necessary to recommence them inasmuch as the number of schools in connection with Government was greatly increasing, the Government examinations were becoming stricter, and probable revisions of the Educational Code left less need for private effort in the above direction.

At this time Science and Art Classes, in connection with South Kensington, were becoming general throughout the country, and no one entered more heartily than Mr. Dickinson into the movement. While using every endeavour to render the education given at all the primary schools, where he had any influence, as thorough as possible; he considered it also of the greatest importance, that the means of a higher education should be placed within the grasp of those whose abilities, or inclination, prompted them to demand it. He was therefore always most ready to co-operate with the teachers of science classes; and he succeeded in establishing at Stroud a Branch School of Art, and continued as long as he lived to undertake all the business connected with its management. When meetings were to be held with the view of bringing such objects before the public, he was indefatigable in his efforts to make them a success. He would often call at every house in the principal

streets of Stroud to request the attendance of the townspeople, and thus he generally succeeded in obtaining a crowded audience, instead of the empty benches which would probably have been seen, had he depended only on advertisements and handbills.

While noticing his work in the cause of Education, which was indeed his life's work, and only ceased with his life, it should be noted how, when teachers were wanted at the Stroud Night School, he agreed to take a class there once a week, and persevered in doing so for two or three winters, scarcely ever allowing anything to interfere with his evening walk on the appointed day, being always most particular to avoid accepting invitations or making other engagements on those, or indeed on any evenings fixed for drill or other special duty. It may seem a small thing to record, but it marks the man.

During the last year of his life the establishment of a School Board in the parish where he lived had become necessary. He and others earnestly wished to avoid a contest, and by judgment and tact it was found possible, to his great satisfaction, to propose a Board which was generally acceptable. He was chosen Chairman, and entered on his duties with great interest, continuing them almost to the last week of his life, when prostrated by his fatal illness.

For twenty-two years Mr. Dickinson filled the office of Chairman of the Board of Guardians. How he worked in this department is described in the following letter from Mr. Chas. Playne, himself an active Poor Law Guardian :

Dear Mrs. Dickinson,

I beg to thank you for the opportunity you have afforded me of bearing my testimony to the admirable manner in which Mr. Dickinson discharged the duties of Chairman of the Stroud Board of Guardians.

When Mr. David Ricardo, owing to failure of health, resigned the office in 1856, there was no member of the Board attending its meetings possessed of the qualifications of a good chairman, or, possessing them, was desirous of filling the office; and Mr. Thos. Skinner, then, as now, Vice-Chairman and senior member of the Board, was commissioned to invite your father to accept the post. Your father declined it, but at the same time he stated that there was a gentleman lately come from India, who had settled in Painswick parish, possessed of legal acquirements and of great business capacity, with leisure time at his disposal, who had already evinced his readiness to place those talents at the public service, and was in all respects fitted for the position; and Mr. Dickinson having expressed his willingness to accept it, it was arranged that he should be chosen as a parish Guardian at the approaching election; and the Board of Guardians, at their first meeting after the election, unanimously appointed him their Chairman. That they were well satisfied with their choice was evidenced by their continuing to appoint him in each succeeding year of his life. Before the expiration of his first year as a Guardian he was made a Magistrate, and he thenceforth took his place amongst us as an *ex officio* member of the Board. He at once threw

himself into the work, and soon made himself acquainted with the routine discharge of the duties of his office, and the Board found that they had obtained a diligent worker, who kept the business well in hand, and did not allow time to be wasted in the discussion of extraneous matters. He seldom had recourse to a division of the Board, in order to come to a decision as to the mode of dealing with the applications made for relief, generally gathering the opinion of the members from the observations made. It is almost needless to say that theological and political views were allowed no place in influencing our decisions.

Mr. Dickinson sought to enforce the carrying out of the principle of the Poor Law, namely, that relief shall only be given to the really destitute, and that too in such a way that others may be induced to strive, by industry and thrift, to avoid becoming the recipients of public alms ; he was, therefore, in doubtful cases, in favor of using the workhouse as a test of the actual destitution of the applicants, but often he allowed his sympathy with the sufferers to override the strict rules of political economy ; and the general unwillingness of Guardians to press hardly on their neighbours when in distress, led to a less rigid observance of the rules he would fain have enforced than is, in the permanent interest of the community, to be desired.

There was one slight drawback to his efficiency as a Chairman, and that was, that his voice was not strong, and thus it was at times difficult for those seated at a distance to follow all his remarks. Mr. Dickinson did not confine his attention to the discharge of the duties of Chairman by presiding at our weekly meetings, but showed that he felt them to extend to all points which tended to the efficiency of the work of the Board. If an office was vacant, he took much pains in the examination of the testimonials of candidates, and made written enquiries, where information was to be had, in order to obtain the services of those best

fitted to carry out the work devolving on them. He was a most diligent visitor at the workhouse, being at the meetings of the Visiting Committee nearly every week, and was familiar with all the details of the work there.

When Mr. Dickinson was elected M.P. for Stroud, in anticipation of his being prevented from giving the regular attendance at our Board which he had hitherto done, I was at his suggestion appointed as a second vice-Chairman, to serve in case of need, and I was thus brought in more constant communication with him, both personally and by correspondence, and I learned still further to respect him for his self-denying labours; and I have to thank him for the confidence with which he treated me up to the time when I saw him a sufferer on a sick couch.

The passing of the Sanitary and Elementary Education Acts threw much additional work and responsibility on Boards of Guardians. Mr Dickinson entered on these duties with great energy, and sought by carefully-considered rules to get them thoroughly carried out. Much has been done, but still probably the results have fallen short of what he hoped for. As regards sanitary reform, the difficulty has been great of moving in advance of the general intelligence of the community; the ratepayers, and many guardians also, could see that sanitary reform meant, at any rate in the first instance, increased rates, whilst the promised advantages were in their opinion problematical. And so, as to improved and enforced education of the working classes, there are still many, here also some guardians may be included, who think that such is not required by those who are dependent for subsistence on their daily toil; and thus it has come to pass that the working of the Acts by the Board has devolved on a small number only of its members. Still a commencement has been made, of which the practical working is on the lines laid down by Mr. Dickinson.

In conclusion, I may state, that great grief was expressed and much sympathy felt for Mr. Dickinson when we were informed, alas too truly, that his health was seriously impaired, and that we were about to lose his able and friendly guidance, a grief which is still felt by

Yours sincerely,

CHAS. PLAYNE.

The branch of sanitary reform, relating to the better carrying out of the laws for enforcing Vaccination, was a subject to which he began to devote himself as early as 1858, when he corresponded with most of the medical men in the Union in order to learn their advice and opinion, and afterwards printed a short paper on the subject, at the time when the Amendment of the Act was being considered in Parliament.*

The well-being of the children in the Union schools was a point to which he directed his attention. Nothing pleased him more than to give them a little amusement, by exhibiting his magic lantern on a winter's evening, or by asking them to his grounds in the summer. On these latter

* In connection with this subject of Vaccination, may be noted an incident illustrative of his promptness in devising practical expedients to meet emergencies. A sudden outbreak of small-pox occurred in the Union Workhouse, where within a few days there were upwards of thirty cases. From the want of a separate building, and the consequent impossibility of isolating the sick, there seemed every probability of the disease spreading throughout the house, when Mr. Dickinson bethought him of applying to the War Office for some hospital tents. This was at once acted on ; within a few days the tents were there, the sick removed into them, and not one fresh case afterwards appeared.

occasions he would frequently invite several of the neighbouring schools, and these large gatherings at Brown's Hill must be always looked back upon with much pleasure by his own family, who can remember the great enjoyment they afforded to himself, and how whatever success attended them was owing to his own power of organization, and the personal trouble he bestowed in carrying out his arrangements.

As a magistrate, Mr. Dickinson took his share of regular visits to the County Asylum, the Prison, the Reformatory, &c. How much his visits were appreciated and his presence missed, in one of the great Institutions, where for many years he attended weekly, is kindly expressed in the following letter from Dr. Needham, the Superintendent of the Barnwood House Asylum :

Barnwood House, Gloucester.

Dear Mrs. Dickinson,

You are kind enough to wish me to give some particulars of Mr. Dickinson's connection with this Institution, and I am very glad indeed to have the opportunity of doing so.

Mr. Dickinson's connection with this Institution dated from its commencement, and I know that throughout he rendered most valuable services, both in its establishment and subsequent management.

I was associated with him as its Superintendent only from the time of my appointment in 1874, but I saw much of him on his frequent visits, and in all my difficulties on entering on a new sphere of work, had the benefit of his constant counsel and support.

It needed no lengthened experience to discover that in him the Committee had a Chairman of no ordinary capacity, and that a Superintendent would find him to be both a keen observer and critic, and a wise and faithful counsellor. I found him to be these, and far more than these ; he was a most kind and sympathising friend, and I could go to him feeling certain of receiving wise and kindly help in any difficulty, and a generous forbearance in criticism. A quality in him, which especially struck me, was his great and uniform reliability.

His knowledge of the patients was most extensive and accurate, and his manner towards them sympathetic and pleasing ; and I know from many of them that they felt that they possessed in him a friend, who cared for their troubles, and was interested in whatever had an interest for them. He had a wonderful memory for detail, and an inexhaustible capacity for concentrated work ; and whatever he did in connection with this Institution, he did as thoroughly as if it was the only occupation which claimed his attention. He never seemed to tire, and he set everyone, with whom he was brought in contact, an example of honest conscientious work which could not fail to stimulate them, or shame them into an endeavour to discharge their duties in accordance with the principles by which he was evidently actuated.

His greatest pleasure seemed to consist in giving pleasure to others, especially to those upon whom was laid the burden of sorrow or suffering, and it was delightful to see him, when he entertained the patients at his house, join in their game of tennis with all the enthusiasm of a boy, or accompany

them in a ramble through his grounds or the surrounding country. He had apparently the most perfect command of temper, which I have frequently seen greatly tried, but never lost.

To a manner somewhat cold and reserved there was united in him a very tender heart; and when the end came, and it was known that he would never be among us again, all of us who could feel, felt indeed that we had lost a warm true friend as well as an invaluable counsellor.

Believe me, yours sincerely,

FREDK. NEEDHAM.

Among the many objects occupying his time and thoughts Mr. Dickinson's special interest in the Temperance cause must be noted. Perhaps, next to Education, it enlisted his warmest sympathy. Some of his views on the subject will be found in a subsequent paper, taken from an address written for delivery at a meeting of the United Kingdom Alliance. He was not himself a Total Abstainer, but was always willing to attend, or preside at, meetings on this subject, considering that, whether he agreed or not in the minor details of the work, all efforts to grapple with intemperance were worthy of support. That legislation must be forced to cope with the evil, was his strong persuasion, and for this object, when in Parliament, he voted for the Permissive Bill, though with doubt in the possibility of its ever becoming law.

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Occupation, of a somewhat different character from the foregoing, was afforded by a connection of more than twenty years with the Stroud Volunteers. In 1860 Mr. Dickinson was appointed to the command of the 5th company of the Gloucestershire Rifle Volunteers, which position he held till the beginning of the year 1878, when press of business and some indication of failing strength caused him to retire. The interest he felt in his office was well evidenced by his strict personal attention to its duties, his regular attendance at drill and at rifle practice, and by his constant efforts to promote the efficiency of his corps. In his speeches at their annual dinners, and on other occasions, he often expressed his confidence in the Volunteer movement, and his persuasion that it might, if well worked, "lead to placing our home security on a firmer basis, and to a diminution in our army estimates, and to a greater independence in our relations with foreign powers."

When Mr. Dickinson resigned his Commission great regret at his retirement was evinced by all the members of his Company, and there was a general desire on their part to express it in some public manner. Although the state of his health then obliged him to decline this, yet it gratified him deeply, as marking their feelings towards him.*

* After his death, a portrait in oils of Mr. Dickinson was "presented to Mrs. Dickinson, by past and present members of the 5th G.R.V., in memory of their late Captain."

Mr. Dickinson commenced his political career somewhat late in life. Anglo-Indians generally, of his date, felt but little interest in Imperial politics, and he returned from India without, as he often remarked, having ever considered such subjects at all. His father's family being Conservative, he had, on his arrival in England, joined the Conservative Club, and settled down in the country with the impression, and reputation, of being what was called a Liberal Conservative.

It was then a period free from political excitement throughout the country, and for ten years he took no public political action, beyond recording his vote once or twice in favor of the sitting members for the Borough, Messrs. Scrope and Horseman, on the ground that they fairly represented a large majority of the constituency. But during these years he had naturally been acquiring some insight into social and political questions; he began to feel strongly that a vote is a trust, to be exercised to the best of a man's ability, and to devote attention to the study of such subjects. And when, in 1867, there was an election at Stroud, consequent on Mr. Scrope's retirement from the representation, Mr. Dickinson's convictions led him to support the Liberal candidate. He writes about this time:

> While the Liberalism of some has been waning of late years mine has advanced, and I feel that the true policy of

this country is a progressive one, and that a Liberal Government alone is fitted to carry out such a policy consistently, frankly and systematically.

During the following year, when a general election was impending, and there was a question as to his coming forward as a candidate, he thus alludes to his political views:

In our days we cannot altogether steer clear of politics, and by degrees we find ourselves joining one or other of the great political parties, between which the nation may be said to be divided. In our social gatherings, among all classes, political questions are always rising to the surface, and it is amusing to see with what assurance men will decide, over their pot of beer or their glass of wine, the most difficult political questions. I find myself frequently, round the dinner table, laying down dogmatically the law on questions which I have studied but little, if at all. But it is in these very discussions that we find the divergence of parties, even when they relate to questions above, one might say, the sphere of politics. The American Civil War might, one should think, be discussed quite apart from political parties; the Jamaica Insurrection might, one would have thought, be discussed in a spirit of judicial impartiality; the question of Education seems one essentially above party coloring; the best Law of Succession to Land might surely be argued by Liberal and Conservative without getting involved in party disputes and crimination. But my experience is, that, in almost every question of social interest, the spirit of party enters, clouds the judgment, and interferes with conciliatory and catholic settlement.

It is thus impossible to mix with the world actively, without joining one or other of the political parties, almost without study or intention. And this has been very much

my own case. I have abstained from politics in the Borough, but when, on the late election, it became a question whether a representative should be returned to support a Liberal, or Conservative, Government, I did not ask myself whether all the opinions of Mr. Winterbotham were in accordance with my own, but I gave him my support as a Liberal, and a supporter of a Liberal Administration, and I am fully prepared to cast in my lot with the Liberal party, and not with the Conservatives.

The Disestablishment of the Irish Church was the leading question of the day, and he thus writes of Ireland:

It is easy, and somewhat the habit of those who declaim on the wrongs of Ireland, to enter upon the history of the past, and rouse the passions by an examination of the wrongs heaped on the Irish by the legislation of a conquering party. I think it is undesirable to rake up the past; we have enough of the spirit of antagonism in the present to overcome and conciliate, without stirring the embers of past animosities. The past has left sores which we must try to heal—it has created feelings which we can scarcely understand; but we shall not render the task of reconciliation easier by encouraging, on the one side, an exaggerated and morbid clinging to past grievances and making capital of them, or on the other, by too high handed a disregard of the feelings of the dominant party.

Ireland is a nation divided into two hostile camps; the Protestant party representing, in a great measure, its wealth, its ease and its intelligence; and the Catholics, its numbers, its poverty, its ignorance, and its laborious and ill-paid industry; each ranged under the banner of opposing theological creeds. There seems but one point on which both parties are agreed, and that is, in a mutual animosity

and desire to come into collision and fight it out. Each seems ready to trail its coat on the ground for the other to tread on; each refusing to be reconciled, and encouraging no advance from any mediator, but branding every reformer as an enemy, who will listen to the claims of the opposing party. In this state of things, if we cannot allay the passions, it is wiser to pass them unheeded, and deal with the arguments and prejudices of each. For in these discussions, prejudices even, which excite such strong passions, should be, within certain limits, respected.

Two or three other short extracts may be given illustrative of his views on entering Parliamentary life:

There are but few men qualified to take a prominent part in Parliament, or to grapple with those great questions which call for the higher powers of statesmanship, and range the two great political parties in battle array. I cannot aspire to any such distinction; my place would be among the rank and file, under the Liberal banner and the leadership of Mr Gladstone; but there is plenty of useful work to be done in a less exciting and conspicuous field; to watch the general legislation of Parliament, with a view of securing equal justice to all classes, of preventing exceptional laws, and of preserving the boundary between civil and criminal wrongs; to simplify and improve the laws relating to the tenure, alienation and succession of land, and those affecting associations for commercial, provident, social, and other purposes; to simplify and improve railway legislation; to provide for the more general and effectual education of the middle and lower classes of society; to remedy the evils arising from gang labour; to secure freedom of action and fair dealing between employers and employed; to check the public expenditure and reduce

taxation; to improve the organization and increase the strength and efficiency of our volunteers, and thus eventually reduce our standing army. Such are some of the subjects, to say nothing of questions of colonial and foreign policy, and the Government of our Indian Empire, which will provide a Member of Parliament with abundant and useful occupation.

I am averse to canvassing and asking personally for votes. It is almost impossible to ask for a vote without conveying the impression that the person asked will offend by a refusal; thus a pressure is exercised on a voter which interferes with the free exercise of his will.

The Irish Church and Land Questions press for early settlement. I think such questions are more legitimately the province of Government, and that a Liberal Government is bound to take them in hand, and would do so earnestly and in a proper spirit; and that the Liberal party should support the measures which may be devised by the statesmen at their head. Members of Parliament cannot give studied votes on all questions; and therefore, I think, a member should on such questions vote with his party. I would however on no account assist in a mere factious opposition of which I fear sometimes the leaders of parties are guilty.

The election of 1868 resulted in the return of himself and Mr. H. Winterbotham as members

for Stroud, and for the ensuing five years, his parliamentary duties, carried out, as may be supposed, with his usual punctuality and method, occupied a good deal of Mr. Dickinson's time and attention, not however to the relinquishment of much, if any, of his country avocations.

His parliamentary career was short, but it was during a period of great political activity. Many great measures were introduced and carried during the existence of that Parliament, and he entered with deep interest into the progress of the Irish Church Bill, the Education Act, and other important legislation. He occasionally spoke on subjects he had well considered, but his want of voice prevented his being an effective speaker, and he never attempted to take any prominent part in debate, being satisfied with being, what he called, a working member, watching carefully the course of debates, and always ready to serve on Committees when required.

Mr. H. Winterbotham's premature death, and the consequent election and Conservative victory, was the beginning of a year of great political excitement and turmoil in the Borough of Stroud, which lead to a series of petitions and elections. Party feeling ran high, and electioneering tactics were brought strongly into play.

Electioneering tactics were peculiarly distasteful to Mr. Dickinson, and still more so party animosity and rancour, and when shortly after his re-election, he and his colleague, Mr. W. Stanton, were unseated on petition, he withdrew as much as possible from the political strife around him. If he felt any regret at the loss of his seat, it was very small compared with his sense of, what he deemed, the humiliation of having to come forward to swear he had not been guilty of dishonourable practices.

The following summer he was appointed Chairman of Quarter Sessions. He had for some years occupied the place of Chairman of the Second Court, and was now elected to succeed to the office which was rendered vacant by the lamented death of Mr. Curtis Hayward. This gave him occupation thoroughly congenial to him, and for his few remaining years, Mr. Dickinson devoted himself earnestly to the County business thus devolving on him.

We have now glanced slightly over the field of his public work. Beyond this, it must be remembered that what he was in public, still more was

he in private life—the ever helpful friend—the wise and kindly adviser. On business matters he was the constant referee among a large circle of relations and friends, and the number of these who committed their affairs to his charge was remarkable.

Sebastian Dickinson was a man of few words or professions; he entered, perhaps, less than most people into the theological controversies of the day; but the great principles of duty to God and man were ever paramount in his mind and traceable in his conduct. None who associated with him could fail to observe how the spirit of Christianity was evidenced in his daily life; how considerations of duty prevailed over those of personal gratification; how he was ready to do any service, small or great, for those around him, whatever trouble it might cost; and how considerate he was of the convenience of others.

A reference to Christ's Golden Rule was mostly his solution for vexed questions of conduct from man to man. "How should you like it yourself?" he would say, when consulted on small matters affecting the convenience of his household; and so, in great questions bearing on the interests of classes, denominations, or nations, his constant argument would be, "In their place we should not, ourselves, like such treatment."

He was most averse to hearing uncharitable judgments on others, and especially disliked the imputing of evil motives; in his own practice adhering to the sentiments he had thus expressed:

It may be, that to ascribe the purer motives, is to attribute to human nature in general, greater excellence than it actually possesses; but it is to err on the right side, and I, for one, think that, under an enormous mass of selfishness, there is much of charity and love towards our fellows, in mankind in general. We recognise this in ourselves, and shall we venture to call ourselves better than our neighbours?

It has been well written of Mr. Dickinson:

"One marked trait in his character was the judicial impartiality of his mind. Is such a thing fair between the two? Is it just? were questions often on his lips, and still oftener in his heart, and it will be readily understood how this quality enabled him to accommodate in many instances the jealousies and conflicting interests of religious parties, and to arbitrate in not a few private disputes."

Among the papers now printed in this volume will be found a few extracts from prayers and meditations written by him for family or private use. These are given because they seem so clearly to illustrate the motives of his life and actions; or rather to show how his life was illustrative of the principles and sentiments they express.

Of his home life there is little incident to record. His tastes were thoroughly domestic; his enjoyments centred in his family and in the home which his own sweet temper and tender love made so bright and happy; and the years passed peacefully over him, no great change occurring, and his immediate home circle remaining unbroken till the time that his own call came.

In the spring of 1878 it became apparent that a serious malady had seized him. Three sad months of suffering and anxiety ensued, during which no murmur ever escaped him; no expression of impatience was ever heard from his lips, though sickness and feebleness must have been a terrible trial to one hitherto so strong and self-reliant. Apparently, he felt that he should not recover, and carefully arranged, as far as he could, many small matters of business; but those around him little deemed the end was near.

On the 23rd of August he rapidly became much worse, and before the end of the day was taken to his rest.

Of the blank left in his home it were vain to speak.

In a wide circle beyond it his death was regarded as a public loss and sincerely mourned. It was a deeply solemn scene when hundreds of friends and neighbours assembled to show the last mark of affection and respect to his memory by following him to his grave in the cemetery on Painswick Hill, where he was interred on Thursday, August 28, 1878.

In the words of one of the many preachers who in church and chapel alluded on the ensuing Sunday to his life and death: "He is gone now, his task is over, his work accomplished, his battle fought. We thank God for him."

PAPERS

BY

S. S. DICKINSON

ON EDUCATION.

FROM A SPEECH WRITTEN ON THE OCCASION OF A MEETING FOR THE ESTABLISHMENT OF SCIENCE CLASSES.

At the present time education is undoubtedly the subject of great and hearty interest, at least among the educated classes throughout the country. The time has not yet arrived when we can say with truth that it has established for itself a place in the hearts of the people; when that time shall arrive, a very great advance will have been made in the material, moral and intellectual happiness and welfare of the country. In the meantime, those who appreciate its value, must be content to work even against opposition and prejudice, which however become from day to day less powerful, and must in time yield to the onward progress of events.

We must not expect anything like a universal system of education until the popular mind has become conscious of its intellectual wants, and feels its poverty, and is warmed with an earnest desire to satisfy these wants. The consciousness of want developes the desire of possession, and that desire once excited finds the means to attain its gratification.

That the popular mind will in the course of a few generations advance to that knowledge of its wants, I, for one, think it heresy to doubt. The progress of truth, though slow, is sure. That it has been slow the past history of man will readily prove, though the proof of its progress is not perhaps so palpable. I believe, however, firmly in the ultimate triumph of truth over error, good over evil; and I also believe that the law of progress is one of those simple laws which mark the Divine Government of the world, and by which the victorious march of truth will be manifested, subject only to the impediments which the opposition of evil, and the power which the human mind, through ignorance, and to its own destruction, allows the evil principle to exercise over it, may from time to time present.

In this progress each one of us is arrayed for good or evil, and it is right that we should remember every one of us, whatever his station, that, for the good or evil which pervades society, he is in a large degree individually responsible. Society is an aggregate of individuals, and the laws and habits of society are the reflection and expression of the feelings of the individuals who compose it. It is a step gained in the right direction when a man feels the real dignity of his nature, the important part which he performs in the work of society, and the responsibility which attaches to his position.

And what is the law of progress? the law of education; and I see in its simplicity and universality all the attributes which especially distinguish the Divine Lawgiver, and mark every rule of His code, so far as we have been permitted to read and understand it. Look at the law of gravitation, which preserves the planets in their orbits, and regulates their motions; look at the laws which define their course in those orbits. These may all be stated in a few words, and yet by these, may the planets and the earth be weighed as in a balance, and their position foretold for any time. By these, may such eccentric travellers as that weird visitant—whose tail of golden light, circling a large arc of our heavens, was of late so gorgeous and attractive a spectacle to our world—be traced through the trackless depths of boundless space, in its long journey of 2,000 years, ere it again returns to awe and to delight the inhabitants of earth. Think too of the laws of life. Six short words contain all the law and the prophets—Love to God, and, Love to man. Simple and universal as are these laws, centuries elapsed ere a Kepler or a Newton rightly interpreted Nature, and it required a direct revelation from God to proclaim the last.

And of this great code, by which man's life is to be regulated, and his destiny fulfilled in time and eternity, the law of education is an integral

part. Believing then in the Divine authority of this law, I pay no heed to those objections which some years ago were loudly uttered, and even now find a few stray advocates, who would still impede the march of education or limit its extension; and I am willing to wait while it proves its inherent authority by its successful progress. These objections remind me of the fears that some entertained that the same comet, to which I have alluded, was so insecurely bound by the chain of attraction to our sun, that the wonderful velocity, which it acquired as it neared that luminary, should force it from our system without guide or compass into the abyss of space. But man's puny fears were thrown away, for true to its course and the laws which regulate it, it rushed with mighty speed round the sun, and bidding us farewell, as a dissolving view, passed on its appointed way to realms beyond our sight

If we look at man, even without the light of Revelation, we see that the law of his nature requires the exercise and cultivation and development and discipline, in other words, the education, of all his powers and faculties of body, of mind, and soul; and we may fearlessly assert that, by the steady and constant exercise of all his powers, can he alone work out the happiness of the individual or of society.

Human wisdom will arrogate to itself a right of interpreting this law, of modifying it, of adapting it to what it may consider to be the requirements of the age, of dividing society into classes—giving an undue importance to one element of man's nature, and sometimes ignoring the others—of denying to the laboring man the privileges of his intellectual nature, and confining him to his task—drudgery ; careless almost of his moral wants, if only the ground be tilled and the factory worked. It forgets that nature will provide for the material wants of society by the distribution of its gifts to man, without requiring him to be a traitor to himself, or relieving him from the responsibility of educating and elevating, to the utmost of his means, all his natural powers. Or if one could conceive that the intellectual powers of man could so thin the ranks of labor as to justify a fear that there should be a deficit of labour to meet the material necessities of mankind, is there not the wide and still imperfectly developed range of mechanical agency and applied science, ready to supply the ranks of the workman, and to yield to man an instrument of labor more in sympathy with his nature, as it requires and elicits an intelligent superintendence.

But to us, who have the light of Revelation—to us who acknowledge the laws of individual responsibility as applicable to man—to us who have heard

the doctrine proclaimed by a Divine Preacher that every gift to man is a talent entrusted to him by God, for the exercise of which he is responsible to the full extent of his ability and opportunities—no argument is necessary to establish the duty of self-education, or of charity to meet the intellectual and moral wants of our neighbour; no fear can be entertained that the fullest development of each man's powers can lead to evil—that any mistake can be made in furthering to the utmost of our ability the moral and intellectual training of the working man.

Nor is education a hot-house plant, to be cherished, and nursed and coddled. We need not entice the working man to use his intellectual powers, nor need we preach to him, as a moralist, and shame him to it. No: that assistance which man may and should give to man in his endeavours to advance himself—that encouragement which should always be ready to oppose good to evil—these and such aids may well be given.

THE BEST MODE OF CARRYING OUT ELEMENTARY EDUCATION, IN ITS RELIGIOUS AND GENERAL ASPECTS.

READ AT THE DIOCESAN CONFERENCE HELD AT GLOUCESTER Tuesday, 22nd October, 1872.

The terms in which the question is proposed represent Elementary Education as divisible into two branches— religious and general—and suggest that a different mode of instruction may be applied to each. This is in a sense true. In teaching the elements of general knowledge, the bodily and mental powers of the child are exercised, but religion must find its way to the heart; and the personal influence and example of the teacher are important elements of instruction. If the teacher and pupils are of the same religious persuasion the answer to the question proposed is found in the personal qualifications of the teacher to impart instruction, general and religious. The question propounded is not, however, of this simple character, but the more difficult and complex one, viz., the best mode of securing for the children of the poor a good, general and religious education.

But what is meant by religion? Is it the religion of the Church of England—the religion professed by any denomination in connection with which any particular school may be maintained? or is it the religion professed by the parents of the child to be taught? Again, is it a term of the problem that all the children should be instructed in religion, or a part only? I assume that the object to be attained is the education of every child, both in general and religious subjects—the religious instruction being in harmony with the religious opinions of the parents. The question then is, how may that education be best carried out? Any suggestion, to be of practical value, should proceed on the existing state of things and system of schools in this country, as regulated by the Elementary Education Act of 1870, for though amendments may be effected in that Act, any fundamental change in its principles – were it even desirable – is not likely to be made.

In the case of parents who can pay for the education of their children, the problem solves itself. The duty being acknowledged and fulfilled, there is no occasion for the State to interfere, even to the extent of declaring the duty, and seeing that it is performed. In the case of parents who cannot pay, the State assists in defraying the cost of education, affirms the parental duty, and delegates to the locality the power of declaring that

education shall be compulsory when a due provision of schools is made. In the case of paying parents the child is either educated at a boarding school, where education in general and religious subjects is provided, or in a day school or class in which general subjects are for the most part taught, and the religious education is provided for at home.

In the case of the poor the boarding school system—except in workhouses—is inapplicable. The education in general subjects must be in a day school, and except in populous places where several schools are found there is no choice, there being but one school for all. But is not the home available for the poor child, as well as the rich, for religious teaching? I fear that for the purpose of this discussion, I must assume that other provisions must be made for religious teaching than the home affords.

Such being the terms of the problem, what are the means and agencies, pecuniary and human, by which this education must be carried out? The school, apart from the home, is the place in which education in both branches is to be provided. To secure a good school, a good teacher seems to be the sole requisite; but to secure a good teacher, and to insure his work being efficiently done, a good board of management is necessary, and to make the school successful,

the management and the teaching should command the confidence and meet the legitimate requirements of the parents. The expense of education in excess of the parents' payment is supplemented from two sources—the one imperial, the Government grant—the other local, viz., voluntary contribution, or rate. The imperial contribution is confined to the teaching of general subjects, and its due application is secured by Government inspection. The religious teaching is left to the locality and to local funds.

If, then, as assumed, the religious education of the poor will be at least defective, unless some provision is made for it other than the parents' home, the question is how is the religious education of the children, for whom the school provides elementary general education, to be secured. If the school only teaches religion to a portion of the children, or teaches it in a form unacceptable to the parents of a portion—a portion of the children must remain untaught, and the school fails in an important part of its work. Any proposal to extend the ordinary school hours for the purpose of teaching a class religious subjects, or of appropriating any part of Saturday for such a purpose, would probably be objected to by the teachers, and would fail, unless volunteer teachers will undertake the work. On the ordinary school day the time devoted to learning is probably as much

as a child can bear, and the Saturday special attendance would probably be irregular.

I assume that the religious teaching of the day school will be supplemented by Sunday schools and other voluntary teaching, the value and efficiency of which depend on the agencies by whom they will be carried out. I do not purpose entering on this branch of the inquiry, but will confine myself to the question how religious education may be best carried out in our day schools, governed as they are by the Conscience Clause; and my suggestions will be made on the lines of our existing schools, and to avoid prolixity I will confine myself to our national schools. Our national schools have been almost universally established in connection with the National Society, and are subject to the following laws, viz.:—The incumbent has the superintendence of the religious and moral teaching of all the scholars. The incumbent and any curate he nominates, are *ex-officio* members of the committee of management, the incumbent being chairman. The teacher, and each member of the committee of management, must be a member of the Church of England.

These conditions involve the following consequences: The supplementary funds, beyond the Government grant and children's fees, must be sought from a part only of the residents. You

cannot ask a Dissenter to subscribe to an institution from the management of which he is excluded. The committee take no interest in the school, and exercise no superintendence over its conduct. It is left to the incumbent. The teacher is under the incumbent, and the school becomes in fact the incumbent's school.

On each of these heads a change appears to me desirable, at least so far as the day school is concerned. The Sunday school may be managed and paid for separately, and on exclusive terms.

1. As to subscriptions. The education of the poor concerns the whole locality. If funds are required, all should, according to their ability, subscribe to them. If voluntary subscriptions fail recourse must be had to the rates, which fall on all alike.

2. As to management. When the funds are subscribed, the management should be co-extensive with the subscription. But the managing body have, in addition, the funds contributed by the Government and by the children's fees. These funds are contributed irrespective of religious opinion. The Government are satisfied, so far as their contribution is concerned, with inspection and control. The parents accepting pecuniary aid towards their children's education may be held to forfeit any right to a voice in

electing the managers; but it should be open to all to contribute, and the qualification to serve on the committee should be a pecuniary and not a religious one.

Again, it is important that the constitution of the committee should be a guarantee that the teaching of the school, especially in religious subjects, will not offend the religious convictions of any of the parents, so that they should have no hesitation in sending their children to school. Means should be taken to secure that the religious teaching is efficient. These means are supervision and periodical examinations, the supervision being a constant process by the committee of management, and the examinations, at annual intervals, to test the teaching; but such examinations must be so conducted as not to offend the religious convictions of the locality. As a general rule it appears to me that it would be well each year to select certain portions of the Bible, and some religious book containing hymns or devotional poetry and prose as the subject of study and examination, excluding catechisms and formularies, which may be relegated to Sunday school and volunteer teaching.

It is essential to the success of such a scheme that the committee of management should represent the opinions of the parish, and no incumbent

or other person should have any official status or greater power than any other member on the committee.

3. The teacher should be appointed by the committee with reference simply to his qualification for the office. Religious and moral defects are a disqualification, but religious opinions should not so operate. As a general rule he should be interfered with as little as possible by the committee, and never by one member only, unless authorised by the committee. His independence is an important element of success. The children's attendance at school should be compulsory. If a parish school be conducted and maintained by voluntary agency and contributions on as broad a basis as a school board school, I see no reason why attendance should not be compulsory; but if the only school in a parish is the school of the clergyman, or there being several, every school is denominational, the teachers and managers being members of a particular denomination, compulsion would, I think, be improper.

My answer, then, to the question, "What is the best mode of carrying out elementary education in its religious and general aspects" is:

1. To convert our existing national schools into parish schools, by abolishing all qualifications,

except subscription of a certain amount, for being a member of the managing committee.

2. By a more systematic and constant supervision by the managers, and by a periodical examination, to secure that the teachers do their work, and that the education is efficiently given. It might be well to supplement the Government inspection by a local examination on general subjects, and if there are local funds available for education, to grant exhibitions open to competition to all the elementary schools of the neighbourhood.

3. It would probably assist in making the religious teaching of our elementary schools more careful and efficient, if a system of examination by an independent agency in religious, similar to that by Government in general, subjects were established, and grants were made to the school on results; but that agency should not, I think, be diocesan. It should adopt the civil division of the county, and not the ecclesiastical, nor should the subscription be confined to members of the Church of England. What is required, is the religious education of all the children in the district. Though the Church of England may take the lead in this work, it should be as *prima inter pares*, rather than as claiming it to be its own exclusive domain. It should weigh with charity and consideration not only the convictions, but the

prejudices of men. Thus the examiner should be a layman and not a cleric. The examination should be directed to test rather the intelligent understanding of the Bible than the acquisition by memory of catechisms and formularies. Everybody should be invited to co-operate in purse and person irrespective of religious belief, and all elementary schools should be competent to offer themselves for examination, and to receive grants. It is the interest and the wish of all that religion shall be taught in our elementary schools.

The Church of England is more tolerant, by the action of the laws which regulate the Established Church, than any form of Dissent from its doctrines, its discipline, or its Government. It is less the object of jealousy to others than any one denomination. Its members are richer and better able to assist Dissenters in advancing general and religious education than Dissenters are to assist the Church. It can accommodate itself to teach gospel truth without offending tender consciences. It has a mission higher than that of extending its form of government and enforcing its creeds and formularies, viz., that of spreading the knowledge of the gospel throughout the land. It should, I venture to submit, in the great cause of national education, rise above a denomination or a sect, throw itself unreservedly on the trust and love of the people, accept the leadership with which they will gladly

invest it, throw down all barriers which, though raised in the name of religion, impede the free development of education, and vindicate its title to be the National Church.

S. S. Dickinson.

MIDDLE-CLASS EDUCATION.

PROPOSAL TO RE-ORGANIZE THE GLOUCESTERSHIRE ENDOWED SCHOOLS ON THE PLAN RECOMMENDED BY THE ROYAL COMMISSION.

A new educational era is opening upon the country. The Royal Commissions, which reported in 1861 on elementary, and in 1867 on secondary education in England, have collected all the materials necessary to form a sound opinion on the best system to be adopted, and have offered for public acceptance certain recommendations for the organisation and administration of such a system. The Endowed Schools Act of last Session has brought all the educational endowments of the country, with certain exceptions, within the reach of those who are interested in the reform and reorganisation of endowed schools, and the time has arrived for public action to give effect to those careful inquiries, those well-considered recommendations, and that wise legislation.

Middle-class Education is the subject proposed for discussion at this Conference. The commissioners could not discuss thoroughly the question of secondary, without traversing the field of

elementary, education. The question naturally arises whether the two subjects are not in truth one. Should not the elementary school be the introduction to the lowest grade of secondary school? That it should be so—that there should be a free mixture of classes in the same school, seems most desirable. But there is in England a prejudice which indisposes parents of one class to send their children to a school open to children of a class socially inferior. In other countries no such prejudice exists. Scotland owes much of the high educational position it occupies to such a system. There are, too, some instances in England noticed by the commissioners—Bunbury, Abbots Ann, and Callington—in which a mixture of classes with a graduated scale of fees works admirably.

After describing these three schools, the commissioners proceed:—"It is impossible to read these accounts without feeling how little real foundation there probably is for the objections to a mixture of classes, which are strong and widely spread in many parts of the country. Here are schools readily and gladly attended by all classes, where the poor get the assistance of the Government grant, and the richer pay no more than the fair price of a good education. Their payments both preserve the parents' sense of independence and contribute materially to the support of the school. All these schools have masters who are

allowed to add to their income by taking a few boarders. Two, at least, are left almost entirely to the master to manage ; all have been started by clergymen of the Church of England, and in all Dissenters allow their children freely to attend the school and receive the instruction in Scripture, which is all that is given on week days in Abbots Ann schools, and is all that is pressed in the others. The majority of the boys at Bunbury, and many at Callington, are Dissenters."

Our present arrangements for primary and secondary education must, however, recognise this prejudice. It may often be desirable to attach schools of the 3rd grade to the existing elementary schools, which are aided by Privy Council grant, especially in rural districts, where the population is comparatively thin. But although elementary and secondary schools be kept distinct, it appears in every way desirable that the superintendence and management of these schools should be in the same central and local authorities. The authorities, most competent to superintend and manage the one, would be able the best to manage the other, and although separate, they should be conducted so as to assist and develope each other.

It is proposed that secondary schools should be divided into three grades, having reference to the age at which parents are found to take their

children from school for the business of life, each grade being subdivided into two divisions, and provision being made for preparatory schools, at least for the highest grade. The lowest, a 3rd grade, is intended for children whose education ceases about 14; the 2nd grade for those whose education ceases about 16; the first grade for those who remain till 18 or 19, or who pass on thence to the universities. At elementary schools the limit is reached about 12. It is recommended that educational endowments, including not only the endowments of grammar schools, but endowments for elementary schools and charities heretofore given to the poor, should be appropriated for the purposes of secondary education, the interests of the poor in gratuitous education being provided for by exhibitions, securing a higher education for the more deserving and promising of poor children.

It is considered that gratuitous education is productive rather of evil than of good, that all elementary schools should be maintained by subscriptions, children's fees, and the Privy Council grant. That the best application of educational endowments is in establishing good secondary schools, with good school buildings and playgrounds, and in providing gratuitous education only for such of the children of the poor as show a talent and ability deserving of higher education.

The work before us is to remodel our endowed schools, to organise new schools, and to distribute among them the work they have to do.

"It will hardly be possible" (I use the words of the report) "to do this well without breaking up the country into manageable divisions, and treating each division by itself. The needs of the different parts of England are so different that a uniform reorganisation of all the schools of the country is hardly possible, nor, if possible, does it seem to be expedient. In assigning to the different schools their different tasks — the character of the population — the chief occupations, agricultural, mining, manufacturing or commercial — the kind of education to which the people have been already accustomed—the teaching that seems to be most in demand—all these considerations should be allowed their proper weight. . . . .

The division of England into counties seems to offer the most natural basis for such a purpose. In many important respects each county is a whole by itself, and has a political and social life of its own, a great advantage in all matters that require co-operation. We are of opinion, that, in all arrangements relating to education, it will be expedient to provide that it shall be possible eventually to allow each county, subject still to superior authority, to have the control of its own

schools." I would suggest that we accept the county division here proposed. I think we shall find our county quite a wide field enough, and we are more likely to work harmoniously within our own county, than by going further. I would indeed rather curtail this area, and exclude Bristol, whose large and centralised population, and remarkable educational and charitable endowments, will supply materials enough for the Bristol people to arrange for themselves.

But though it is desirable that primary and secondary education should be under one controlling and superintending authority, there is no reason for delaying the organisation of our secondary schools till legislation is complete respecting our elementary schools. On the contrary, we should lose no time in carrying out at once the objects and using the powers of the Endowed Schools Act. While so engaged in organising and systematising our secondary education, we shall be better able to watch, influence and assist legislation as to primary education.

Before the facts and recommendations of the commissioners, and with the great national object of securing the best education for all classes of the people steadfastly in view, we may, I think, wisely forego our individual feelings and prejudices, and accept the conclusions of the commissioners, as

the basis of action, in which we may all heartily unite. Such co-operation will deserve and ensure success.

Gloucestershire, including Bristol, has a population of nearly 500,000. Its charitable endowments furnish a yearly income of £30,000, of which £11,417 are applied to education, £1,258 for apprenticing, £1,157 for public uses, £5,316 in support of almshouses, £3,255 distributed in kind, and £2,353 in money to the poor, and £1,211 for general uses of the poor. If we exclude the Bristol charities, there remains a noble income which, as at present applied, does not effect all the good it might, and in some cases produces positive harm. "Gloucestershire," say the commissioners, "has besides Bristol 17 foundations for secondary education, and none of these, except the Cathedral school at Gloucester, and Cheltenham and Chipping Campden Grammar Schools, are reported to be at all efficient as places of secondary instruction. The Crypt School, at Gloucester, has, like Chipping Campden, excellent buildings, but is reported to be steadily declining in numbers."

We have, heretofore, never attempted—nor did the law admit of—anything like united or systematic action. Every separate endowment has been managed by itself, without reference to others or to any general plan of education. I have no desire

to sweep away any existing schools, but to extend their usefulness. We should endeavour to economise both our managing and our teaching power, and our pecuniary resources. The great object we should keep before us should, I think, be to establish—1st, a good elementary school under Privy Council inspection, within reach of every poor family in the county; 2nd, a good 3rd grade school within reach, if possible, of every one who would wish for his child a higher education than the elementary school provides; 3rd, a good 2nd grade school in every centre where there was a sufficient population to feed it; 4th, a sufficient number of 1st grade schools, all of the highest order.

I am not in a position to say to what extent elementary schools may be deficient in Gloucestershire, but it would be the first duty of the County Education Board to ascertain what districts were unprovided with schools. There are some districts where the population is insufficient to support more than one good school, in which it is sought to maintain two different denominational schools. It would be the office of the Board to endeavour to get two indifferent schools, so circumstanced, united into one good school. It should also endeavour to remedy such defects as the following, referred to in the reports of Her Majesty's Inspectors of Schools for last year:—"Of the

schools in Gloucester I have to report in terms less favourable than could be desired. The St. James's Schools (girls and infants) deserve honourable mention. The National School (boys) which has hitherto maintained a good position, is crippled for want of an adequate staff of teachers. The rest are either in indifferent condition, or barely up to the average. Nor can I admit that eight annual grant schools, or eleven departments with an attendance at inspection of some 1,300 children, is a sufficiency of good elementary instruction worthy the position of the Church of England in a cathedral city, or commensurate with the needs of a population of some 28,000 souls. In a town of the dimensions of Gloucester, it would seem scarcely possible to supply the educational wants of the whole labouring population, unless the place be treated as a whole, the school system organised upon one principle, with the full co-operation of the school managers, lay and clerical, of all the parishes.

So far as this end fails in its accomplishment, so far will the supply of proper schools and the attendance of the children fall short of the necessities of the poor, and the just demands of public opinion. Parochialism is a rock on which the Church of England should fear to run the risk of making shipwreck in her recently assumed character of instructor of the poor. If each parish

be ambitious, not to subserve the general interest, but to possess a school, however inefficient, of its own, the result will be such as we see in Gloucester." And again, "Some of the very small schools fail from want of numbers in scholars as well as of funds. The question of grouping small parishes with one efficient central school has not received the attention it deserves. The present plan of confining school management to the clergy of the respective parishes interferes here. Each one feels that he would be guilty of disloyalty to the parochial system, if he consented, however indirectly, to place his children in a school out of his own cure."

It would be the duty of the County Education Board, acting with reference to elementary schools, to examine into those cases in which such schools are maintained by endowments, and not by subscription, children's fees, and Privy Council grants. The question is an important one, seriously affecting local interests, whether these funds should continue to be so applied, or whether such endowments for free elementary education would not be better applied, as recommended by the commissioners, in gratuitous secondary education for the poor, by competition

The most important charity of this character in the county (excluding Bristol) is, I believe, the Crypt School in Gloucester. The income of this

charity, amounting to £1,700 per annum, is wholly applied in the education, and apprenticing, of 34 boys, and in doles to a few poor. The commissioners' remarks with reference to St. Olave's appears to me not inapplicable to this charity. "What is needed is such a reorganisation as shall stimulate merit by making gratuitous instruction a reward and not a right, and at the same time shall adapt the teaching to the needs of the district." There are some fifty similar educational endowments in this county, with incomes varying from £9 to the above noble income of Rich's Hospital. To show the importance of this question I will enumerate some of them and their incomes, viz :—Buckland, £170, of which only £27 is applied to education; Cam, £237; Chipping Campden Blue School, £170; Cirencester Yellow School, £676; Fairford, £119; Henbury, £157; Mickleton, £156; Minchinhampton, £149; Winchcomb, £250. The total gross income of these endowments is nearly £6,000.

The endowed grammar schools in Gloucestershire (excluding Bristol) classified according to age of scholars are—1st grade, 3 :—Cheltenham, with an income of £1,634; Gloucester Cathedral, £420; and Chipping Campden, £170. 2nd grade, 4 :—Gloucester Crypt, £855; Cirencester, £28; Thornbury, £68; and Northleach, £697. 3rd grade, 7 :—Tewkesbury, £48; Newland, £208; Winchcomb (2),

£99; Henbury, £412; Wickwar, £191; and Wotton, £589. In addition to these, Chipping Sodbury, with an income of £369, and Stow-on-the-Wold, with an income of £13, are in abeyance, and the income of Tetbury (£70) is paid to the National School. In some cases a part only of the income above specified is applied to the school.

It would be premature to propose any detailed plan for remodelling these various schools and utilizing their endowments to the utmost in furtherance of secondary education. They would seem, however, to furnish ample materials for providing the best secondary education equal to the requirements of the county. The three Gloucester schools might be easily reorganised so as to bring the complete system of secondary education recommended by the commissioners into active operation in the city, which might present a model of well organised educational institutions, primary and secondary, which would not only meet all the local wants of the city, but provide for the higher education of the county and attract scholars from other parts of the country. Cheltenham might also add to its educational, and, as a consequence, its residential, attractions by a corresponding organisation of schools. Its primary education is alluded to by Her Majesty's Inspector of Schools in terms of praise, as follows:—"Of the three large towns (Bristol, Gloucester and Cheltenham)

which fall under my supervision, I regard Cheltenham with the greatest satisfaction as approaching most nearly to the ideal of a town fully furnished with means of education for the labouring classes of a proper quality." What seems wanting in Cheltenham—and it is the great want for which it would be the first care of the County Education Board to provide as far as practicable throughout—are schools of the 3rd grade. "The most urgent educational need of the country," say the commissioners, "is that of good schools of the 3rd grade, that is of those which shall carry education up to the age of 14 or 15. It is just here that the endowed schools appear most signally to fail, while nothing else takes their place. . . . .

The evidence is almost unanimous that just here is our most conspicuous deficiency; and that the artisans, the small shopkeepers, the smaller farmers, are in many places without any convenient means of educating their children at all, and, still more often, have no security that what they do get is good." The towns in Gloucestershire at present without any provision for grammar or secondary schools are Stroud (population 9,090) and Dursley (population 2,447.) Stroud has some charitable funds which might with advantage be applied in establishing a 2nd grade school. The various endowed primary schools might probably be reorganised so as to combine elementary and

secondary education of the 3rd grade, and the various local charities, which are now applied in pauperising the population, might be utilised for a like purpose.

Such a system as I have ventured to sketch out can only be carried out either by the pressure of a central authority armed with strong powers by legislation or by the co-operation of the community. To secure the latter, the organisation for remodelling and administering those various charities should command the confidence of all. Nor will any body, however it may represent all local interests, succeed in this great work unless it proceeds with caution and judgment, and with a studied and anxious desire to respect all legitimate local claims. It will still meet with much opposition and prejudice; but if it is judicious, temperate and conciliatory in its conduct I am in hopes that it will overcome all difficulties, and will render acceptable the sound principles which the Royal Commissioners have propounded, and on which they justify and recommend a reorganisation and redistribution of all those charitable endowments which are within the province of the Endowed Schools Act.

First among the bodies at present charged with the duty of secondary education are the Dean and Chapter of the Cathedral of this city. I should

wish to see the Cathedral or King's School of Gloucester rank as one of the first schools of the country, feeding the Universities with some of its worthiest *alumni*. I look to that venerable body to set the example to all other trustees throughout the county. The Endowed Schools Act cannot touch the Cathedral School without the consent of the Dean and Chapter. Their hearty concurrence will not, I think, be withheld from any judicious scheme by which not only secondary education of the highest order would be provided, but the local interests of the city be advanced.

We have now before us a great opportunity. We have the means of establishing a well organised system of secondary education. There are difficulties in the way, but not insurmountable—nay, the surmounting of these difficulties may become an instrument of success. A very large and universal interest will be excited. The apathy which mars so many good schemes will be replaced by a feeling which, though it may be hostile in some quarters, will, let us hope, yield under the influence of patient thought, sound counsels and conciliatory discussion, to one of hearty co-operation. I have a strong faith that the various trustees of the different educational endowments have an earnest desire to utilise and economise to the utmost the funds at their disposal to improve the position and extend the action of the schools

under their control, and that they will soon perceive that their separate interests will be promoted by a systematic organisation and classification applied to all.

It is impossible, within the limits available for this Conference, to enter into details; but if the general principles are accepted I feel satisfied that the work may be done well and thoroughly and to the satisfaction of all. I would suggest the formation of a County Education Board, in which all endowed and elementary schools should be represented. This Board should divide the county into education districts, which should be larger than parishes, but the size of which would depend on local considerations. These districts would be under a District Board, representing all the schools of the district, and each school should have its managing committee. By this means all the existing charities could be carefully examined into, all local claims recognised, the co-operation of all parties interested secured, and a sound and effective organisation and administration established.

S. S. Dickinson.

CONTRABAND OF WAR.

WRITTEN FOR THE SOCIAL SCIENCE CONGRESS, 1870.

In every civil State there is a legislative power to declare the law and attach penalties to its non-observance, a judicial power to interpret and apply it, and an executive power to enforce it. The legislative power fixes the boundaries between civil and moral obligations, securing the observance of the former by the administration of justice and the punishment of offences, and leaving the latter to the conscience of the individual. As nations acknowledge no superior, and have not established, and cannot establish, any organisation to declare and enforce International Law, without ultimate recourse to war, the international obligations of States must remain in a great measure *in foro conscientiæ*. International usage and precedent have established certain laws, which, with important variances in different States, on nearly every branch, have been acknowledged by nations, and have controlled them in the assertion of their rights by war—the *ultima ratio regium*. These international obligations, which an enlightened State should be the more scrupulous to discharge, because they

cannot be inferred by other authority than that of reason, or, failing reason, of war, include the conduct of its citizens as affecting the interests of other States. A State which omits to exercise its power of restraining its citizens from acts which are condemned by reason, and derogatory to the properly understood rights of neutrals, and the legitimate assertion of force of belligerents, is responsible for those acts.

In respect to internal legislation, acts of a citizen injurious to another assume a twofold character—the one civil, for which the law provides compensation—the other criminal, for which the law provides an appropriate punishment; but for acts of a citizen affecting a foreign nation, that nation can only look to the State of which the offender is a citizen, either for compensation or for punishment. While, therefore, a legislature may in the case of its own citizens, and with reference to their dealings with and conduct towards each other, decline to exercise its prohibitive and primitive powers to enforce their rights in certain cases, it would seem to have a larger obligation thrown upon it to secure for other nations respect for their rights by its own subjects. It sounds like a contradiction in terms to talk of rights which can only be enforced by war; for when war is undertaken the belligerent is the sole arbiter of his own rights, and when he

appeals to International Law, he acknowledges no other court as competent to declare that law but his own. Thus, contrary to the ordinary rules of justice, the courts of the country of the captor determine the liability of the prize to confiscation. When war is raging a neutral can only effectively assert the rights he claims by appeal to an arbitrament—war, which determines his neutrality. This will account for the divergence of different nations in their estimate of belligerent rights.

Great Britain, with its widely extended commerce, its colonies scattered over the world, and its claim to maritime supremacy, has asserted belligerent rights, founded on its own ideas of expediency, its consciousness of power, and its protection of its own interests, the soundness of which has been denied by other countries, and by some of its own statesmen, who have looked rather to its commercial interests than to its maritime power. Though they differ in its rules and its application, all nations appeal to International Law as determining the mutual intercourse and conduct of belligerents and neutrals.

While in fact, as matter of legal definition, the mutual rights of belligerents and neutrals cannot be tabulated, each nation can, and each nation ought, to lay down for its own conduct those laws which reason and sound sense, a due sense of

justice, and a proper appreciation of the position which nations hold towards each other as families constituting the civilized world, and of their relative rights in peace and war, dictates. If such a universal rule prevailed, we should have an International code universally accepted and acted on. Unfortunately war ethics are of a very loose texture, and yield to what belligerents consider the necessity of the case. Self-preservation is the first law of nature, success in the war is the one object of the belligerents, to which all other interests must yield. All stratagems are fair in war—the end justifies the means, are principles not always repudiated by belligerents. The conviction that force is the only arbiter of right, blunts the moral perceptions, and reconciles to a course of conduct which a just judge would condemn.

In order to define the limits within which a State is entitled or bound to enforce, on the part of its subjects, a course of neutral conduct towards a belligerent, it is necessary to have a clear conception of the relative duties and rights of belligerents and neutrals. These rights have a technical and a popular meaning. Technically it is difficult to acknowledge any right in the belligerent to injure or control the neutral. In every war one, and not infrequently both, belligerents are in the wrong. The very term neutrality implies impartiality of conduct, irrespective of the merits of the dispute,

and the—according to each belligerent, whether he is right or wrong—equal privileges and powers. As neutrals are not justified in taking any part in the quarrel, even to support right against wrong, justice against injustice, it follows that they must regulate their relations and conduct to both belligerents so as not to give either a just cause of complaint that they are assisting one to the prejudice of the other. Conversely, each belligerent must regulate his conduct to neutrals by respecting their rights and relations, in their intercourse with either belligerent, so as not to force them, in the vindication of their rights, to have recourse to war. As a failure of duty by either neutral or belligerent towards the other cannot be dealt with otherwise than by an appeal to war, the definition of their rights, and the question how far any particular act may be in derogation of their rights, become capable of only arbitrary solution.

War excites the strongest feelings in a nation; the justice or injustice of its inception is soon lost sight of in the passions it engenders, and the popular feeling will not submit to technical rules.

It will not be sufficient to regulate our conduct towards a belligerent by the strict letter of a law, unless it commends itself to the popular sense of right and justice. Consideration must be shown to popular feelings if we desire that when war

terminates there shall remain as little rancour and ill-feeling as possible to embitter the future intercourse between neutrals and the quondam belligerents. The extreme asserters of belligerent rights argue that a belligerent is justified in inflicting the greatest possible injury on his opponent, in order to secure an early and durable peace, or, as others might say, to insure his own victory and the subjection of his antagonist. They argue that as trade with other nations will supply the necessities and add to the wealth of the belligerent, and thus enable him to prolong the contest, his opponent may adopt any measure calculated to destroy that trade, unmindful of the fact that trade is neutral, and that the injury so inflicted extends to neutrals. The right of blockade, which some authorities would limit to ports actually beseiged, is one measure, and the inhibition of all trade in Contraband of War is another, by which the trade of neutrals with belligerents is restricted. A proper definition and limitation of these two rights, universally accepted, would go far to relieve neutrals from the risks of trade with belligerents, and to enable neutral States to enforce neutral conduct on the part of their citizens.

The question proposed for discussion is confined to Contraband of War. But what is Contraband of War? Mr. Mozeley, in a treatise on Contraband of War, begins by stating "that what is and what

is not Contraband of War has long been a question of difficulty, not only in the cabinet of jurisconsult, but in those of diplomatists and statesmen, not unfrequently superinducing a supplemental war to that already raging." In a debate in the House of Lords at the commencement of the civil war in America, Lord Ellenborough said "that the law of Contraband of War is in a state of constant change. It must change from year to year as the manner of conducting war is changed; that these changes are constantly controlled by one principle, viz.: that that is Contraband of War which, in the possession of an enemy, would enable him better to carry on war."

Earl Granville, in the same debate, says "there are certain articles which are clearly Contraband of War, but there are certain other articles the character of which can be determined only by the circumstances of the case, as, for instance, the ports for which they are destined, and various other instances, which can be properly judged of only in a Prize Court." And Lord Kingsdown said "the determination of what is contraband must depend on each particular cargo. Provisions, though they might safely be sent under other circumstances, yet if sent to a port where an army was in great want of food, would then become contraband. So with regard to coals—they might be sent for purposes of manufacture, but if sent

to a port where there were war steamers, with the view of supplying them with coals, then they became contraband."

A continental writer referred to in a note, p. 802 of "Laurence's Wheaton," commenting on Lord Russell's despatch with regard to the case of the Trent, says, "We remark particularly the doctrine, assuredly very new in England, that Lord Russell professes with regard to contraband. It is known that there exists on this subject two systems, with respect to which the publicists have been divided for centuries. The first, the French doctrine, which France has caused to prevail on every occasion since the Treaties of Utrecht, limits Contraband of War to arms, munitions, and to the men and things which serve as the direct and the immediate instruments for the operations of war. The second, the English doctrine, extends the definition of Contraband of War according to circumstances, to a great many things serving only indirectly to the objects of the belligerents, and which in the treaty of 1794 with the United States, for example, had extended in such a way the term of contraband that it might embrace everything that England might choose to include in it."

The declaration of Paris of April 16, 1856, that the neutral flag covers enemy's goods, and that neutral merchandise under the enemy's flag is free,

excepts Contraband of War. M. Casimir Perrier, in an article in the *Revue des deux Mondes* of January, 1862, recommends that the declaration should be supplemented by another, which should define once for all in clear and positive terms what is Contraband of War. Many questions were asked at the close of the late Session as to what was Contraband of War, but the invariable answer was that merchants must trade at their own risk, as the definition of contraband depended on the construction of the Prize Court of the country of the captor.

The first act of Government on the declaration of war between two friendly powers is to issue a proclamation of neutrality, which warns Her Majesty's subjects that if they shall do any act in derogation of their duty as subjects of a neutral sovereign in the pending contest, or in violation or contravention of the law of nations in that behalf, as for example, and more especially among other things, carrying any articles considered and deemed to be Contraband of War according to the law and modern usage of nations, for the use or service of either of the contending powers, all persons so offending will incur and be liable to the severe penalties and penal consequences by the Foreign Enlistment Act, or by the law of nations in that behalf imposed or denounced. The language of this proclamation shows indeed a

distinction between those acts which, being against the Foreign Enlistment Act, come under its penal provisions, and those which are punishable only by the action of the belligerent, viz., capture and confiscation; but to a non-legal mind, and to a foreigner, such distinction is scarcely intelligible, and seems rather to suggest to the one a speculative and dangerous trade, which can only be carried on by blunting the sense of right and in violation of neutral obligations, and to offer to the other a hypocritical denunciation of a trade with which it carefully abstains from interfering. The innocent trader in articles which are only constructively contraband (and by a forced construction) is involved in the same condemnation with the one who traffics in the instruments of war. Public opinion, which resents any interference with legitimate trade, is brought to look on trade in direct Contraband of War with less repugnance, and the friendly belligerent, who sees unscrupulous traders furnishing the enemy with arms and munitions of war, holds the State responsible for conduct which it denounces as illegal, but connives at, by not preventing.

It behoves the Legislature to re-consider the existing law as to Contraband of War, and to limit its definition to those articles which are directly contraband. But whether this country is or is not prepared to modify its pretensions to

extend Contraband of War to articles of which the contraband character is constructive on the purpose for which it is disposed of, it is, I conceive, bound, as well for the credit of the country, as to guard against the consequences resulting from a traffic which all condemn, viz.: that of furnishing belligerents with weapons for slaughter, and to draw a line between a trade which public opinion condemns and one which it sanctions, with belligerents, to prohibit the exportation of direct Contraband of War, viz.: arms and munitions directly or indirectly destined to either belligerent. It has been argued that such a course would involve the Government in additional complications, as belligerents would hold the Government responsible if such articles were exported clandestinely, and that it would involve an inquisitorial police watching every manufacture of arms. This argument appears to me of no force. The officers of customs would exercise a watchfulness over the exports, and intercept any prohibited articles; the Government would prove that they did not connive at unneutral conduct on the part of the subjects of the State; there would be no occasion for any police supervision.

Even if it were necessary to stop all export of such articles, the injury would in no degree be commensurate with that effected by a successful illegal traffic with belligerents; but such an extreme

step would be quite unnecessary, for legitimate trade might be allowed under securities against fraud. It has also been urged that the power under the Consolidated Customs Act, 1853, under which the exportation may be prohibited, of arms, ammunition, "gunpowder, military and naval stores, and any articles which Her Majesty shall judge capable of being converted into or made useful in increasing the quantity of military or naval stores, provisions, or any sort of victual which may be used as food for man," meets the case; but it is obvious that this power is given *diverso intuitu*, and the issue of such a prohibition, after a declaration of war, might be construed into a breach of neutrality, as it is almost of necessity that such a prohibition would operate more injuriously to one than the other belligerent. It is therefore submitted that it is desirable to prohibit the exportation of Contraband of War, limited to certain specified articles, being direct Contraband of War, and further, that measures should be taken to obtain an enumeration, universally accepted, in clear and precise terms, of the articles to be deemed Contraband of War.

LETTER ON TAXATION.

PUBLISHED IN THE "TIMES" OF NOV. 29, 1872.

Sir,—The readjustment of imperial and local taxation, which the Government are pledged to settle next Session, involves such important issues that I hope the subject may be well discussed in the "Times." Such discussion, to be of practical value, should precede the announcement of the Government plan.

Mr. Goschen's report of 1870, and the proposals submitted by him to the Committee, of which he was Chairman, are likely to be the basis of the Government plan.

Mr. Goschen's report seeks to prove that the increase of local taxation has not involved any addition to the burdens on land, and that houses have relieved land. His remedy seems to be to divide rates in future between landlord and tenant.

The discussion appears to me somewhat beside the mark, and calculated to lead to an interminable and angry contest with landowners, as to the extent to which they are really burdened. The

objection of the landowner, that by the system of rates he has to pay for expenses, not affecting land more than personality, such as Poor, Police, &c., which his neighbour—his equal in wealth—whose investments are in personality, is relieved from, will not be removed by proof that he pays no more than his ancestors paid relatively to the value of his land; while the proposal to make him pay half the rate will not improve his temper. No argument will convince the farmer who occupies a farm for which he pays rates on a rent of £100 a year (representing an income of £150 a year,) that he is as leniently dealt with as his neighbour, who pays the same rate on the same rent, for the house he lives in, but whose income is many times larger.

It is incumbent on the Government to place taxation, imperial and local, on a sound, permanent and equal basis.

There is no necessary local connection between taxation and expenditure. A charge may be imperial in its character, as Police, and yet wisely left to local administration. The taxation may be local in its incidence, as Land Tax, Inhabited House Duty, Income Tax, Trade Licenses, &c., and wisely entrusted to a central agency for collection and expenditure.

Certain great heads of expenditure belong to the central authority, as the Military, Naval,

Diplomatic, Colonial and Civil Services, matters affecting Parliament, the superior Courts of Law, and the higher departments of Education, Science and Art. Others may be wisely delegated, wholly or partly, to the local authority, such as Elementary Education, Poor, Police, Gaols, Roads, &c.: while a limited class of expenditure, such as draining swampy districts, maintaining river banks, supply of gas and water, are of exclusively local competence.

It is most important in a self-governing community, to attribute as large powers as possible to local authorities.

To secure economy, the tax-payer should at once feel the pressure of taxation and be told its cause. To secure efficiency, the central government should have a defined control and supervision over the local administration, and should contribute to local expenditure in such a form as to feel, and be responsible to Parliament, for increased expenditure resulting from local mal-administration. Again to meet local expenditure, the taxes attributed to the locality should be elastic, like rates or income tax.

Out of an aggregate taxation for the United Kingdom for the year 1869 of nearly £109,000,000, there was raised by rates in England and Wales £16,200,000. Rates are an unjust and unequal

mode of taxation, and offer dangerous temptations to increase the charges thrown upon them. We must, I think, put an end to them. In doing so we have to fix what is an equitable charge to place on land in commutation of rates, from which it is to be hereafter relieved.

Mr. Goschen's report gives the average of the charge of rates on land at several periods. This varies with the locality, but it would be easy to ascertain, in each locality, what would be a fair commutation to fix, as a permanent rate, on land. Land built upon should pay a reasonable ground-rent. An equitable adjustment might be made in respect of rates heretofore paid by Railroad, Canal and Gas Companies, and of rates heretofore falling on Mines and other property.

The next adjustment I would suggest, falls under the head of Stamps. Realty, like personalty, should vest in the executor, and be liable to Probate and Administrative Duty. It should pay Succession and Legacy Duty on the same terms as personalty; it should be liable to the same stamp, 5s. per £100 of value on settlement, and, as long as entails are allowed, a larger duty might be charged on settlements creating entails. A tax should be levied on all property held by corporations, or in mortmain, or on trusts for perpetuity.

We have now to seek a tax—local in character, equitable in its incidence, and elastic enough for rising and falling demands—to meet the balance hitherto borne by houses. The principal charges are Poor and Education, which are charitable in their nature, and appeal to the wealthy, Police and gaols, which chiefly affect security of person and tangible property, and some other charges which affect all alike. The Income Tax is unavailable: the system of collection, under which it is stopped out of all income derived from investments before it reaches the owner, deprives it of its local character.

There seems no other resource than that of Inhabited House Duty, to which might be added a duty on furniture and other valuable property used and enjoyed with the house. This would be an approach, though a distant one, to the measure of ability which the statute of Elizabeth contemplated, as the foundation of the poor-rate. It might be universal, and extended to every house. While in 1869–70 only 753,727 houses were assessed to the Inhabited House Duty in Great Britain, the number of inhabited houses in England and Wales at the last census was 4,259,000. If to the £68,000,000 annual value of houses we add one-third for furniture, we shall have an annual value of £90,000,000 on which to operate. A tax commencing at a low rate for low rents, and rising for

higher rents—subject to deduction, as at present, for trade premises—would replace, or, to a certain extent, reduce the existing charge for rates on occupiers of houses.

The old Inhabited House Duty (£1,062,000 for England) would merge in the new House and Furniture Duty, and would, with the new rate-commutation Tax on land, form the local taxation in lieu of rates.

The imperial contribution to expenditure under local administration, at present aggregating about £2,500,000 under the heads Education, Criminal Prosecution, Police, Prisons, Reformatories and Poor, might be increased if it be found that the charge on occupiers of houses is too onerous, and the Income Tax had recourse to, to meet the additional charge.

Your obedient Servant,

S. S. D.

LOCAL TAXATION AND ADMINISTRATION.

ON WHAT PRINCIPLES SHOULD LOCAL TAXATION BE LEVIED? AND WHAT SHOULD BE THE PRINCIPLES OF LOCAL ADMINISTRATION AND GOVERNMENT?

Written for the Social Science Congress, 1873.

These questions do not appear to me to be stated with sufficient clearness. The word levying would include assessing and collecting, but scarcely extends to the character of the taxation; and the expression "administration and government" not only applies to the levying and expenditure of taxation, but to matters not necessarily involving taxation, such as licensing public houses, &c., which I presume would be beyond the scope of the discussion. I purpose, therefore, to consider:

I.—What branches of public expenditure may be best entrusted to a local governing body, and what should be the constitution of such local body.

II.—What branches of taxation should be placed at the disposal of such governing body, and what should be the character of such taxation.

III.—How should such local taxation be assessed and collected.

1. There are two divisions of public service to be considered, one extending over the whole country, the other confined to a distinct separate area. As illustrations of the former, I would instance the administration of the Poor Law, including pauper schools and pauper lunatic asylums, the police, prisons and highways. As illustrations of the latter, the draining of a particular district, and lighting, watering and cleansing a town, though this latter service may possibly extend into the wider range of sanitary administration. In determining what powers should be attributed to a local governing body, we have to consider, not whether the service to be performed is limited in its action to a specific locality, but what is the range of administration which, looking at the country as a whole, and the various local areas into which it may be divided, separately, is calculated to develope the capacity for self-government—to encourage emulation, as between different localities engaged in the same work, to execute it in the best manner, in a spirit of co-operation, not of antagonism—to enlist local ability, experience and energy in the public service, unpaid, and generally to secure efficiency and economy in management.

The qualifications offered by a locality for securing efficiency and economy are local knowledge and local interest. The disqualifications

are local narrow-mindedness and a perfunctoriness of performance when the time, trouble, and expense required for unpaid service, conflict with the demands of private business or personal ease. The powers attributed to local bodies should be sufficiently large to interest the well-educated and well-to-do classes in their performance, and should cover an expenditure which will be felt by the tax payer, to an amount sufficient to make him careful in the selection, and watchful over the conduct, of those who are to execute them.

On taking a rapid survey of the various departments of public expenditure there will, I think, be little difficulty in deciding which may be entrusted to local administration. Of a total Imperial expenditure of £71,860,020, the only items that would seem to come within the category are those connected with elementary education, £1,120,000; police, £654,960; prisons, £58,376; and poor law, £226,648.* These items (which are for England and Wales) do not include the whole of the expenditure for these services, but a contribution from Imperial revenues to services which are administered locally, subject to central supervision, the remaining expenditure (except as to education) being provided out of local taxation That some amount of supervision by the central authority is advisable in connection with local

* Finance Accounts, 1871-2; Parliamentary Paper, No. 272.

administration may be admitted, but the control ought not to be such as to derogate from the authority, or diminish the sense of independence and responsibility of the local governing body. The question of contribution, too, is one of some difficulty. It is, I think, inexpedient to keep up a distinction between local and Imperial taxation, which is, to a great extent, purely arbitrary. The Imperial expenditure for 1871–72 amounted to £71,860,020. The expenditure from local taxation for the year 1868-9 was £36,290,000,* of which £3,000,000 was for Scotland, and £3,050,000 for Ireland; but the local expenditure includes Government subventions for police, prisons, and poor, to the extent for England and Wales of £1,215,000; and is also swelled by some items, such as the cost of pauper lunatics, which is paid by the counties, and partly (£145,449) repaid by unions, and thus appears twice over, as county and as union expenditure

Of this expenditure a small portion only is of a strictly local character. Taking the various headings of expenditure which, excluding the proceeds derived from the rent and sale of property, state subventions and loans aggregate for England and Wales,† £19,815,000; poor relief, vaccination,

* Finance Accounts, 1871-2; Parliamentary Paper, No. 272.

† See Mr. Goschen's Report, p. 6, Parliamentary Paper, No. 470, of 1870.

registration, assessment and collection; highway (including tolls,) county, hundred, police and borough rates, markets, bridges and ferries, harbours, pilotage and light dues, and coal and wine duties in the city of London, amounting together to £15,515,000, come more properly within the category of taxation for general than for purely local purposes, and leave a balance of £4,300,000 as taxation for local objects, viz.: lighting, watching, local improvements, burial boards, fire brigades, &c.

Since Mr. Goschen's report a large item of expenditure—that connected with education—has, by the creation of school boards, introduced a new local governing body, and an addition to local taxation. The legislation on this subject is exceptional. Large Government subventions are made, to the extent of nearly half the cost of the elementary education of the people, and a large portion is paid, not to public bodies, responsible to the public, but to private bodies, who have erected and maintain the elementary schools.

This state of things cannot last. If the education of the people is to be a public charge, the management and cost of that education should be placed under local administration, subject to central supervision. This involves an expenditure probably in excess of £2,500,000.

All these classes of expenditure may, I think, be entrusted to local bodies; but instead of having twenty different classes, the number might be considerably reduced. The relation, too, between the central government and local bodies might be improved. As a general rule, subject to exception in the case of the Metropolis and of large populous cities, which must be exceptionally dealt with, the Union would, I think, be the best local area. The Union Board might include all the smaller local bodies at present acting independently in different parts within the same area. The county might be made a governing body for certain purposes, as for police, prisons and lunatic asylums. The local governing body should be elective, the taxpayers having votes, in proportion to the taxation paid. The union board might be subject to supervision by the county, and the county by the central authority; but in neither case to an extent to derogate from their autonomy, nor beyond what may be necessary to secure the due execution of the powers attributed to them respectively.

2. The taxation, to be appropriated to local expenditure, should be elastic, to meet readily any increase or diminution in expenditure. It should be direct, and apportioned to the various heads of expenditure, in order that the taxpayer should feel at once the pressure, and know the purpose for which it is raised. These qualities attach to

the system of rating, but that system is open to two objections which condemn it. (1.) It is impossible to state with certainty by whom the rates are paid, whether by landlord or by tenant, or in what proportions; and (2.) it is raised out of one kind of income, that derived from land, to the relief of all other, which is unjust. I contend, therefore, that rates should be abolished.

The charge which, taking a reasonable average of years, has been imposed in the shape of rates on land should be commuted into a land-tax of so much in the pound on rental, and provision should be made for securing as a part of the public revenue a corresponding tax on land on which houses, railways, canals, &c., have been or may be erected or constructed. This and the existing land-tax should be irredeemable. Thus the existing charge on land in the shape of rates would be continued in the form of a rent-charge, as a part of the public revenue; but as it would be fixed and inelastic, it should be transferred from local to Imperial taxation.

Mr. Goschen enumerates market dues, bridges and ferries, harbours, turnpike tolls, and pilotage and light dues, aggregating £2,980,000, as branches of indirect local taxation. I should call them direct, as passing immediately from the tax-payer to the tax-collector. Whether these branches of

revenue should be continued may be a subject of discussion, but if continued they would form a portion of local taxation applicable primarily to the services for the performance of which they are levied, leaving the surplus expenditure in those branches to be defrayed out of the general local fund.

The liability to local taxation might be made dependent as to personal estate, on residence, and as to real estate, on locality; but subject to this question an income-tax, or some form of direct taxation to be substituted for income-tax (by which every resident should contribute according to his ability,) should be the one fund for all local expenditure not covered by other sources of income, and in levying such tax the tax-payer should be informed how much of the tax is required for each head of expenditure.

The inhabited house duty and the assessed taxes, if continued (which appears to me a question of doubtful expediency, for they are a rough and unequal attempt to tax income,) would remain a part of Imperial taxation.

It is not easy to state the financial results of the arrangement proposed. The rates levied at present upon land built upon must be re-considered, and reduced to a rate on what may be considered the ground-rent, on a principle to be

applied to future buildings on land. Looking at Mr. Goschen's estimate for 1868, out of a total levy of £10,439,000 for poor rates, £3,466,000 represents the amount paid by land, £4,934,000 the amount paid by houses, £1,160,000 by railways, and £879,000 by other property. Taking the charge on land commuted as above suggested at about £5,000,000, that amount of income would be transferred to Imperial taxation. Taking the various items of income and expenditure from the same report, and adding the Government subventions, £1,225,000 and £2,500,000, of which Government pay £1,120,000 for education, there would be a total of £20,000,000. This includes some expenses incurred in works by which property is improved, the cost of which may therefore be imposed on such property, but the balance would have to be raised by direct taxation. At the same time there would be a relief of £2,365,000, and an addition of £5,000,000 to Imperial taxation.

3. The assessing and collecting of the local taxation in the form of an income tax, or some direct tax of that character, should be under central management. It can be done more efficiently and economically under a central authority, more particularly if that authority collects the same tax for Imperial purposes. There is no necessary connection between the levying of taxation and its expenditure. The local bodies would

furnish an estimate of the requirements in their localities, and the amount would be raised by a direct tax, in a manner to give the tax-payer the information he requires as to its expenditure, although by an agency not acting under local authority. The local body would have access to the assessments, to see that they were properly made. In determining questions connected with income tax assessments, a central is preferable to a local authority. The incidence of an income tax on individuals would not be the same for Imperial as for local purposes. For Imperial purposes the income tax would fall with equal weight on all persons assessed, irrespective of locality. For local purposes it would vary in the different areas, according to the economy and good management exhibited by the governing bodies, and the accident of the locality being inhabited by the wealthy or persons of moderate incomes. Again, though existing exemptions might be continued as regards Imperial taxation, there should be no exemption whatever for local purposes. Every resident should pay his quota, however small his income, according to his ability.

EXTRADITION:

WHAT ARE THE LIMITS WITHIN WHICH EXTRADITION SHOULD BE ACKNOWLEDGED AS AN INTERNATIONAL DUTY?

Written for the Social Science Congress, 1876.

If all nations adopted our penal code, and if their judiciaries were governed by the same rules in the investigation, trial and punishment of crime, there would be no difficulty in defining, in a manner satisfactory to all, the duty devolving on each to assist another State in delivering up and bringing to justice persons, who having committed a crime in one State, seek to evade punishment by fleeing to another. But as different nations have different penal codes, and different forms of criminal procedure, and have different laws regulating the rights of citizens, the difficulties in the way of coming to a common agreement satisfactory to all seem insuperable.

I do not propose to discuss the principles on which the Law of Extradition, as expounded by Jurists, is founded, nor attempt to reconcile their conflicting opinions. It will, however, be useful to consider the opinions of some high authorities on the subject.

Chancellor Kent, in giving judgment on the case which occurred in 1819, of Daniel Washburn, who was arrested in the United States on a charge of theft in Canada, declared that the duty of Extradition was of so high and imperative a nature that, in the absence of municipal laws for its enforcement, it was itself a Law which Judges were, by virtue of the nature of their office, bound to recognise and administer; and Chief Justice Reid, in the Canadian case of Joseph Fisher, which occurred in 1827, uses the following language:

"The right of surrender is founded on the principle that he who has caused an injury is bound to repair it, and he who has infringed the laws of any country is liable to the punishment inflicted by those laws. If we screen him from that punishment we become parties to his crime, we excite retalliation, we encourage criminals to take refuge among us. We do that, as a nation, which, as individuals, it would be dishonourable, nay, criminal to do. If, on the contrary, we deliver up the accused to the offended nation, we only fulfil one part of the social compact, which directs that the rights of nations as well as individuals shall be respected, and a good understanding maintained between them; and this is the more requisite among neighbouring states on account of the daily communication which must necessarily subsist between them."

The case of Tweed is a recent application of the principles, and it is to the credit of Spain that she has acted on this general doctrine, and objected to screen a man against whom such serious charges are preferred. Though a similar doctrine seems to have been propounded in England (see Chitty's Criminal Law, 1826, Vol. I., p. 16,) yet it has never received judicial sanction, and the actual law on the subject must now be looked for in other Extradition Acts of 1870 and 1873, (33 and 34 Vic., c. 52, and 36 and 37 Vic., c. 60.)

The question we have to consider, as far as Great Britain is concerned, is whether these Acts rightly fix the limitations on the international duty of Extradition. This question assumes that Extradition, within certain limitations, is an international duty. I am not disposed to quarrel with that assumption. In the mutual relations between States, as between individuals, rights and duties are convertible terms. The right of the one is the duty of the other. In determining the rights and duties resulting from the relations of individual citizens with each other, an authority may be invoked to which all must yield; that of the State, which in its legislation is bound to pay all due regard to individual feelings and convictions.

In the absence of any similar authority to decide questions between States, rules of conduct which

are the limitations of their mutual rights and duties must be limited to those questions on which there is a concurrency of opinion. Thus in deciding the relative rights and duties in reference to Extradition as between two States, one of which acknowledges and the other rejects the institution of Slavery, it is quite competent to the slavery-condemning State to decline to extradite any fugitive, though he be a criminal, in order to avoid the risk of his being unfairly dealt with in a country in which his rights as a human being are denied. The very doctrine on which the Extradition of criminals is claimed and enforced, viz.: that by refusing to extradite, the nation giving him shelter becomes accessory to the offence, may be applied to his Extradition, and the extraditing nation would, in the case put, become accessory to the cruelties to which he would be subjected as a slave, a condition which its own laws condemn.

Again, I am not prepared to say that when a penal code is characterised by the Draconian severity which for so long a period was a shameful feature of the English criminal law, when capital punishment attached to comparatively trivial crimes, countries would not have been justified in refusing to extradite an offender for a crime coming within that category, who, if found guilty, might be hung.

Nations, like individuals, are apt to assert rights to a greater extent than they are willing to admit duties. The old rule of law, *nemo potest exeure patriam*, is inconsistent with any system of naturalization of foreigners. The claim to banish a citizen is an invasion of the right of foreign States to refuse admission to an exile.

All European nations have accepted the doctrine that there should be no Extradition for political offences. It is clear therefore that there is no law or amity of nations which can require, as an absolute rule, that a man who has committed a crime in a country, and taken refuge in another in order to avoid punishment, shall not escape thereby, but shall be extradited to the authorities of the country whose laws he has broken, with a view to his trial and punishment. But while this may be taken to be the general basis which should regulate the conduct of nations towards each other, there must be limitations and exceptions to the rule.

The principle on which these limitations must be framed must rather be sought in the municipal legislation of each State, than in any agreement among States in general. This principle is in truth asserted in the usual clause introduced into Extradition treaties, which requires that a *prima facie* case shall be established against the person

charged, which, under the laws of the country called upon to extradite, would justify his apprehension and committal for trial, if the offence had been committed there. The limitations should rather apply to the character of the offence than to the means used for bringing home the guilt to the person charged. While it is necessary that all reasonable security should be taken as to the *bonâ fides* of the demand, and the presumptive evidence of guilt, before Extradition takes place, it is equally important that the difficulties interposed by forms of procedure should not be such as, by reason of legal technicalities or immediate expense, would render the task of proof hopeless. A State adopting such a practise, while professing to discharge, would be practically repudiating its duty.

The practise in this country, confirmed and perpetuated by the Extradition Acts, has been to make treaties with other States. There are many objections to this system.

1st. It limits our power of doing what is right unless a treaty exists. If a criminal, like Tweed, had escaped into England instead of Spain, we could not, unless there was a treaty with the country from which he fled, arrest and extradite him. We are ourselves sufferers, as we keep in the country a man who ought to be turned out of it.

2ndly. It places the law on a wrong basis, viz.: that of contract, instead of international duty.

3rdly. It introduces into the negociation of every treaty questions which are to some extent extraneous, and are calculated to limit unnecessarily the privileges which other nations would be willing to concede, and to hamper us in proceedings against criminals who have escaped from England. In all negociations for a treaty the question of reciprocity assumes exaggerated prominence. Thus the treaty between Prussia and the United States, in 1845, was rejected by the Senate, because Prussia wished to exclude its own subjects from its operation, though in 1852 this objection was waived. It brings into prominence, in the negociations, the difference of laws and practises which one country adopts and the other condemns, thus creating feelings of irritation.

4thly. As treaties, like other written documents, are couched in language not always free from ambiguity, a difference of opinion in the construction becomes the subject of deliberate controversy, to the irritation of the public of each nation, instead of being disposed of by the public courts construing acts of domestic legislature. This has been exemplified in a remarkable manner by the late discussions between America and England as to the effect of the Act of 1870 on the treaty.

The case of Anderson (where the question was whether a slave, who, in endeavouring to escape, stabbed his pursuer, could be held guilty of murder,) exemplifies the disadvantage, as it involved a question of construction of a treaty to be decided by the judiciary of one party to the treaty. It is obvious also that the limitations on Extradition, having regard to the law of slavery as heretofore existing in America, could not be freely and satisfactorily discussed between the negociators on behalf of the United States and the United Kingdom.

5thly. In laying down for ourselves our own rules of international duty, we place ourselves in a better position as regards criminals flying from Great Britain than we should be under treaties. In negociating a treaty we could not ask for more than we are ready to concede. But the difficulties, which a system of penal procedure preliminary to committal and trial impose on the prosecutor, are greater than those which many other nations adopt. Each nation would probably, if acting by itself, apply to fugitive foreigners the same process as is applicable to its own subjects, and we should be in a position to avail ourselves of these facilities in conducting the preliminary proceedings, which would be denied to us in a treaty in which each party will only concede as much as, and no more, than the other.

The experience of treaties cannot be said to be satisfactory. Mr. Clarke, in his treatise, published in 1867, says that for twenty years, from 1844 to 1864, no case of Extradition was argued before English Courts. During this term France had made unceasing demands (seven between 1854 and 1856, more between the latter year and 1859,) but in no case was the Extradition obtained. The United States were more successful. Between 1854 and 1859 eleven such applications were made, and in six of these the criminal was given up.

These six are cases of murder or attempts to murder, and occurred on the high seas, in American ships, which put in to Liverpool, so that the witnesses were on board, and could easily appear before the magistrate. The cases which have recently occurred, and which have been the subject of controversy between America and England, are discreditable, and it is a disgrace to England that a criminal should go free because America would not undertake that if acquitted on the specific charge, he should not be tried for any other crime.

Each nation,—while bound to acknowledge an obligation to assist other nations in arresting and delivering up for trial persons charged with grave crimes committed within their territories, and fleeing to evade the punishment attaching to such

crimes,—is entitled to lay down its own rules in defining and limiting that duty.

Such duty should be defined and regulated by an act of domestic legislation under which all nations might apply for Extradition, and not by treaties with each nation separately.

Every fugitive from justice should be delivered up for trial when a *prima facie* case is established against him, which, if the crime had been committed in the country in which he is found, would have led to his committal and trial by a court of criminal jurisdiction in that country.

The crime charged should be a grave crime against the person or against property.

When the person charged is a slave, and the state of slavery is acknowledged in the country where the crime was committed, he should not be subject to be extradited.

A fugitive, against whom a crime is charged within the ordinary penal code of the State where the crime is committed, should be extradited, although the crime may not be within the letter, if within the spirit, of the penal code of the State in which he is found.

It may be desirable to specify the crimes, as a general description might be held to include offences under the mutiny acts, against excise

laws, or crimes of a like special character, which ought not to be the subject of Extradition.

A fugitive should be liable to be extradited whether he be a citizen of the State demanding Extradition, of the State of which Extradition is demanded, or of any other State.

The rules of evidence applicable to domestic crimes should be modified, to meet the impossibility of procuring the attendance of witnesses. Depositions taken in the regular course of judicial enquiry in the locality where the crime was committed should be admissible, security being taken that they are genuine, and were properly taken. A certificate of a high and responsible official should be held sufficient for the purpose.

There should be no restriction to a fugitive extradited, if acquitted of the special offence charged, being tried for any crime which the acts proved against him might, under the penal code of the State in which he is tried, establish, or any other crime committed by him coming within the category of crimes for which he might be extradited.

No one shall be liable to extradition for any political offence. In using the word grave, as descriptive of crimes for which extradition should be made, I do not use it in a restrictive sense beyond this, that it does not seem desirable to apply a law of extradition to petty offences. But

the expense and trouble attending the proceedings offer a sufficient security that the law will only be put in force when a serious crime has been committed.

England ought to take the lead in placing its external legislation on the soundest principles of international law. It does not hesitate to adopt a free-trade policy without waiting to make treaties of reciprocity with other States. It may well lay down sound rules for its own guidance in meeting the legitimate demands of nations whose criminals are seeking to evade the punishment due to their crimes by fleeing to England, where the difficulties which the English procedure place in the way of their arrest and trial, secure them a longer immunity. Canada in 1833 passed a law authorising the Governor to extradite criminals without requiring any reciprocity from other countries. No country offers greater temptations to the commission of crimes, and greater facilities for escape, and none is therefore more interested in securing ready access for its police to the countries with which the commercial and travelling habits of its citizens brings them in such constant intercourse. It is a misfortune that under the plea of being an asylum for the persecuted of other countries England should become rather a refuge for their criminals.

POLICE SUPERVISION.

WRITTEN FOR THE SOCIAL SCIENCE CONGRESS, 1876.

No question is of greater social importance than that of the prevention of crime. No one probably is sanguine enough to expect that crime will be eradicated, and yet one ought to be at liberty to indulge such a hope. In the large majority of cases, the criminal is the victim of accident, and circumstances for which society is in a great measure responsible. Is there one among us who will venture to assert that if he had been born and nurtured and educated in that atmosphere of vice, ignorance, drunkenness and criminality in which the accident of birth has planted so many of his unfortunate brethren, he would have escaped from the contagion? Is not a large amount of the crime so engendered preventible? and must not society be held responsible for all crime which proper legislation, or improved social habits and relations, might have prevented?

Are we not apt to forget the effect which our own conduct may produce on others for good or for evil?—to ignore the duty of promoting by

personal action all measures by which vice and crime may be prevented—to wrap ourselves up in the mantle of our virtues, and think we do our duty by fulminating decrees of Draconian severity against criminals, and paying police and judges to detect and punish them. In no department of social life is the rule that "prevention is better than cure" of greater value than in its application to crime. Prevention should be the end and aim of all our legislation and social action, in regard to crime; and though, while there is crime, there must be punishment for crime, in the manner and the measure of the punishment the principle of prevention must be kept in view.

We talk of the criminal classes, but every crime is an individual act, and every process of prevention and cure must be adapted and applied to the individual. It is not by a system applied to a class, but by influence and action brought to bear on the individual, that success in the prevention or the cure of crime can be looked for.

Although the prevention of crime, or, if that be impracticable, the reduction of crime to a minimum, is a question of such vast importance to society, society seems to take little interest in it. Apparently conscious, at times, of its complicity, by reason of bad laws and bad habits, it vacillates in its judgment and its sympathies according to

the impulses which some special manifestation of crime evolves, sometimes in favor of, sometimes against, the criminal. To this want of interest, may be in some measure ascribed the absence of sound instruction on the subject. Better instruction would probably elicit a livelier interest.

Our criminal legislation has impressed upon the public mind the feeling amounting to conviction that crime must be punished by corporal suffering. Death and flogging, imprisonment with hard labor, are the forms of punishment adopted. The principle at the base of this is that of deterrence, the aim being to deter the criminal by an experience of suffering from a repetition of crime, and to deter others from committing crime by a fear of similar consequences. One cannot but feel that our earlier legislation was imbued with a spirit of vindictiveness in its code of punishment. The feeling that the criminal should, if possible, be reformed, and converted into an industrious citizen, is a growth of later years, and can scarcely be called a part of our authorised prison discipline.

The fundamental principle that the sentence should be a just one—one proportioned (though such an expression cannot be applied with any exactness,) to the offence, has been too much lost sight of.

A man who has committed a crime, and thus broken the fundamental laws on which the security and welfare of society rest, has forfeited a portion of his rights as a law-abiding citizen, and society is entitled and bound, not only to vindicate the supremacy of the law by punishing the criminal, but to adopt special measures to secure itself against a repetition of crime by one who has shown himself an enemy of law and order. The problem is a complex one. As regards the criminal himself, the object to be attained (beyond making return to the party injured,) is his return to society an active, useful, law-abiding member, and the sooner that can be done the better. But the influence of crime on others must be taken into account, and such an amount of punishment may be legitimately inflicted as will deter others from following his example. Beyond the attainment of these ends punishment becomes unjust, disproportioned to the offence, vindictive and brutalising.

There are, however, other forms of secondary punishment besides flogging and imprisonment. All restrictions on liberty, all liability specially imposed by law on an individual from which others are exempt, all exceptional treatment against a man's will, is a form of punishment. The question is: What form of punishment will best secure the objects to be attained?

The law generally fixes a maximum of punishment, thus acknowledging the fact that the amount of punishment should be determined by the circumstances of each case. But as certainty in the amount of punishment is a most important element in influencing the conduct of criminals, the principles which regulate the amount should be clearly understood. A Judge cannot know enough of the antecedents, habits and disposition of a prisoner found guilty of a first offence, to form an opinion as to the effect of the sentence on him. The same sentence passed for the same offence on two individuals, may prove as much too severe in the one case, as too lenient in the other. A sentence which, after satisfying one object of all punishment, viz., that of deterring others, is sufficiently elastic to satisfy the other object, viz., the criminal's reformation, seems to commend itself as the wisest and most just.

There are two modes in which it would seem practicable to attain this end. The first is the ticket-of-leave system, under which a long sentence of imprisonment is passed on the criminal; but he can by good conduct obtain his liberty before the term expires, under certain restrictions, with liability to punishment if he fail to observe those restrictions. The other is that of police supervision, under which a short sentence of imprisonment is passed, but the convict is allowed liberty under

certain restrictions, and is liable to imprisonment if they are not observed.

Both these forms of punishment, which commend themselves to those who have made this department of criminal law their study, have met with considerable opposition from the less instructed public. As regards the ticket-of-leave system, the cry has been raised that the Judge's sentence has been mitigated by the Home Office arbitrarily, whereas it was in truth a part of the original sentence, determined by the Legislature and taken into consideration by the Judge in passing sentence. The second form has been objected to on the plea that it is an addition to the punishment imposed by the sentence of the Judge; whereas, in this case also, it was a part of such sentence.

In either case, the form of punishment requires much care and trouble to carry out the sentences in the spirit in which they are conceived. The process of imprisonment and hard labour is simple and easily carried out. Place the criminal in a walled prison, with a staff of warders and discipline officers, and the thing is done. His term expires; he passes back into society a free man, but with the mark of Cain on his brow and the heart of Cain in his breast. Benevolent agencies are at work to help to reclaim him and keep him right; but his relations with authority are rebellious. Give the

criminal his liberty subject to certain restrictions, and a difficult task of supervision and careful treatment lies before you. What is the agency to be employed to effect this supervision? The time may come when this work may be entrusted, with necessary powers, to some other organisation, but at present we have only the police competent to undertake it. The task requires great tact, discretion and judgment. It should not be and is not committed to every policeman, but to the chief officer of the district. It should not be done perfunctorily, but under a sense of its great importance. The police and supervisee are in a novel, anomalous and somewhat inconsistent relation. The policeman suspects a criminal, watches him, and is prepared to pounce on him on the first report of a crime committed. The criminal looks on the policeman as his natural enemy and is sceptical as to the possibility of any official engaged in detecting crime being his friend.

In this country, fortunately, the policeman is not simply a thief-catcher; his duties are multifarious, and he is in the confidence of the law-abiding members of the community. He should understand that society has, in placing criminals under his supervision, transferred to him the duty of doing his best that the great object of the sentence should be attained, viz., the return of the criminal into the ranks of honest industry. To do this effectively he

should endeavour to establish a friendly relation with the criminal. He is at liberty to avail himself of other agencies for this purpose, for the criminal may be directed to report himself to anyone named by the police—a clergyman, a magistrate, or anyone qualified and willing to undertake the office; and this kind of agency might perhaps with advantage be more largely employed.

The supervisee has an ardous task before him. His character for honesty is gone: he has to regain it. He is an object of suspicion: he has to create a feeling of confidence. He is at a disadvantage in obtaining employment: he must prove that he is industrious and willing to work. These are the natural penalties of crime, and he should feel them. Supervision will assist him in overcoming these difficulties and help to keep him right, when, if left to himself, he would probably again lapse into crime.

It is clear that the success of this system will depend on the manner and spirit in which it is undertaken and carried out by the police; but if they will consider how important to society success is, how it will redound to their credit if they can reduce the amount of crime and restore criminals to society, they will, I think, feel assured that this is one of the most important, most useful, most beneficial, and most interesting branches of their work.

It is obvious that this system is applicable to crimes against property rather than to crimes of violence.

It is obvious also that this system involves no expense, but would effect a large economy, by reducing compulsory terms of imprisonment.

These observations will furnish the reasons for my answer to the question proposed, viz.: In what respect can the present system of police supervision be improved and extended?

Under the existing law, a sentence of police supervision can only be passed on a second conviction. I see no reason why it should not be passed on a first.

As a general rule a first conviction is met by a short and sharp sentence, it being understood that a more severe sentence shall be passed on a second conviction. An objection is often taken to a short term of imprisonment, as inadequate. The addition of police supervision would meet that difficulty. Such a change would add largely to the number of supervisees, and it may be better to test the system of supervision by a longer experience before extending it to first convictions.

Under the existing law, a supervisee at large must notify his place of residence, and every supervisee must notify any change of residence to

the chief officer of the district; and every male supervisee must report himself monthly to the chief police officer, or some person named by him. If the supervisee at large remain in a district forty eight hours without reporting himself, or if he fails to report a change of residence, or to report himself monthly, he is liable to twelve months imprisonment.

The supervisee, before leaving gaol, should be bound to inform the gaoler, and through him the chief officer of police of the district, where he intends to reside, and should within a reasonable time (allowing for the journey) report himself to the police. This should also be done on a change of residence, the penalty of imprisonment attaching to any default.

A supervisee found in any district the chief of police of which has not received notice from him of his going there, should be liable to punishment.

On leaving prison, each supervisee should be furnished with a printed statement of the restrictions to which he is by law subject.

Leaving, however, the question of improved legislation, I come to consider how a satisfactory system of police supervision can be worked under the law as it is.

This can only be done effectually throughout the country by consent among the various police

authorities; but in the meantime each separate police authority may adopt a system which, it may be hoped, will become universal.

The central registry office in London should be under the Home Office, and should be charged with the duty of keeping its register of the movements of all the supervisees, posted up in a form to render reference easy, as well to the photographs, as to the personal description of the supervisee. It would seem that this would be readily done by an alphabetical index of names and *aliases*.

Every supervisee should, on discharge from gaol, be deemed to belong to the district of first residence; and the chief constable of that district should be held responsible to know of his whereabouts till he changes his residence to, and has arrived in another district.

On change of residence, communication should take place between the chief constables of the two districts till the supervisee is actually resident in his new district, when he should come under the charge of the police of that district, notice being sent to the central office.

Each chief constable should send a quarterly return of his supervisees to the Justices at Quarter Sessions, who should check the same, and arrange with the chief constable any measures for assisting

him in his work, such as getting respectable residents to look after and assist supervisees to get work. The quarterly return should be sent to the central office. A return should be handed to the Judge at each Assize. The central office should publish a yearly report of all supervisees.

Supervision is essentially a personal work, and one of detail; and those counties will best succeed in making it effective for the prevention of crime in which, by public action, by organisation such as prisoners' aid societies, or by individual residents working in the same spirit, the police are encouraged and helped in their work.

While the supervisors should show a disposition to assist those supervisees who observe the conditions under which they are placed, those who break those conditions should be punished, and every exertion should be made to trace and arrest those who abscond or fail to report themselves.

The central authority can do much, not by interposing in details, but by shewing its faith in the principle, by recommending the co-operation and harmonious working of different police authoties, by keeping the registry in such a way as to assist in tracing criminals, and by shewing to the police authorities that the work of supervision now

imposed on them is one to which great importance is attached, and in the careful performance of which they will have the support, and earn the approbation, of those responsible for the good working of the criminal law.

ON LAW REFORM.

Our law recognises a double ownership of property, the Legal and the Equitable.

The Courts of Law and Equity may be looked upon as the expounders of opposite schools—Courts of Law holding that there should always be an absolute owner of property, capable of dealing with and using it freely, exercising all the rights of ownership, and performing all the duties and responsibilities attaching to it—The Courts of Equity doing their utmost to tie up property in the hands of families, and to keep it out of the market, and of trade; and while assuming its management, ignoring all claims but the selfish interests of the temporary owner.

This division of ownership, into legal and equitable estate, complicates titles, and is unnecessary to secure the interest of *cestui que* trusts, where the ownership is transferred by documentary title, and is unavailing where it passes by delivery. Land offers no difficulty in this respect, as the trusts may appear on the title. Personal investments, such as Government and Railway Stocks,

and property of that nature, could be dealt with in the same way, by introducing on the register the actual interests affecting the property. But the inconvenience of taking notice of such trusts is so great, that the Government and private undertakings often decline to allow of any but absolute owners of their stock to appear on their books. But, if the law sanctions the creation of limited interests in any kind of property, is it not bound to see that the registers which regulate the transfer of that property shall correspond with the actual ownership.

Property is dealt with in two ways—by way of trade and contract, or by gift or voluntary settlement. The dealings of trade are generally simple, and the great object of the law should be to leave those dealings as free and unfettered as possible. If our laws, relating to land, had been framed on this principle, I have no doubt that the system, which the common dealings of man with man would have brought about, would have been in the main a sound one ; but, when a thoroughly artificial system of law has prevailed, the practices arising under it will have some of the vices of the system. It may be said that any existing practice comes within the protection of the principle I have stated, and that no legislative action should be called in aid to alter it. The principle of freedom of trade, however, to which I have appealed,

extends beyond the present, and while it secures entire freedom of action to the existing generation, should take care that the freedom of future generations is not invaded by the action of the present.

The feudal law, in its artificial veneration of a freehold, and contempt of a chattel interest, allowed the creation of an interest for a thousand years, moreover reserving the fee to the successors of the original grantor when the term determined. There is a great deal of land owned under long leases. Is it not monstrous to say that a man, who is entitled to land for a thousand years, has not an estate in perpetuity? £1 accumulating at compound interest at 3 per cent. would reach a sum in excess of four millions in five hundred years, and sixteen billions in a thousand years.

It is, however, from the second class of dealing that the chief difficulties and complications of our laws arise. The law does not, it is true, consider a marriage settlement as a voluntary arrangement, but I feel justified in treating these settlements as dealings with property by way of gift. This system has grown up under the fostering care of our courts of Equity. It has been rendered, in a measure, necessary by the injustice of our laws affecting the property of married women, and the

law of primogeniture, and is in accordance with the law of entail, of which the end and aim is to secure the continuance of large landed estates in the same families, notwithstanding the occasional intervention of one who, but for such settlement, might dissipate his patrimony.

It is, I contend, desirable that all property should be under the dominion of some recognised and responsible person. Property will be better employed, as a general rule, by the real owner than by some person on his behalf; and by one having the whole, than by one having a limited interest in it. As regards personal property, no great injury perhaps is done if it is not employed in the most profitable way; for, in whatever way invested, it sets free its equivalent for useful employ, and even if buried, the only injury done is by its abstraction for the time from general circulation. But land requires to be cultivated, it demands the application of capital and intelligence; and greater public injury is done when land is left unproductive than when money lies idle.

A settlement, therefore, which hampers the owner of land in his management of it, is injurious, and no owner would submit to be so hampered but for the strong desire that his estate should continue intact in his descendants. To gratify

this desire, he abdicates his ownership, disqualifies himself for discharging the duties and responsibilities attaching to it, cripples his means of improving his estate or of applying it in a way he may hereafter find advantageous to himself and the public. The law should not encourage such a system and practice. This system of settlement is one great cause why there is so much expense and difficulty attendant on the transfer of land. The amount of personal property affected by settlement is probably as large in value as that of land; but the consequences are not so serious to the community, and are in a great measure obviated by the rules of those undertakings in which settled personalty is generally invested. I know of no law which prevents the creation of interests to extend over long periods, say for 500 years, in personal property, as in land. Practically no such interests are created. The owners of personalty show as great a desire to tie up as the owners of land, and as to one description of personalty, popularly called heir-looms, this desire is as universally attempted to be gratified. But the law is fundamentally different when dealing with personalty, including chattels real and heir-looms, and lands held in fee simple, to which it is important to draw particular attention.

Marriage is usually the occasion on which settlements of property are made, and the process

by which lands are retained in families is by a course of successive settlements, made on the marriage of each successive heir to the estate. Thus—A, the father, is tenant for life, and B, his son, is tenant in tail. B is about to be married, and the father and son bar the entail and re-settle the estates, and then A becomes the tenant for life, as he was before, B becomes a life tenant, to have possession after his father's death, and the first estate of inheritance is passed on to his eldest son in tail, and then to his second and other sons in succession, in tail. We are here introduced to three kinds of estates, viz.: one for life, and two estates in perpetuity, or possible perpetuity; 1st, an estate of inheritance in fee limited, which will pass to a man's lineal heirs only, and 2nd, an estate of inheritance in fee simple, which will not pass to lineal heirs only, but to his heirs in the remotest degree.

In the settlement of personalty the same form is adopted, but the law does not admit of two estates of indefinite duration; it does not admit of property being settled on the lineal descendants of a man and, when these fail, on his heirs general; but insists upon all indefinite ownership being absolute: and thus, though the same language should be used as in the case of land, the person who, in the case of land, becomes a tenant in tail, and takes an estate which will continue so long

as a lineal descendant exists, becomes, in the case of personalty, the absolute owner in perpetuity. I should state that the law does allow of personalty being so settled, that its becoming the absolute property of the first tenant in tail may be made contingent on his attaining 21, so that, if he dies under 21, it shall pass to the next in succession.

The question naturally arises why entails should be allowed in one kind of property and not in another. Are entails beneficial to the family? are they beneficial to the community? or being advantageous to the family and injurious to the community, is the family advantage so great as to override the public detriment? If the result of the reasoning be in favour of entails, why limit them to land, held under a particular tenure, and not apply them to long leases, to heir-looms and personal estate in general?

But what is an entail? Professedly, and in its language, it is an estate descendible to a certain class of heirs and the intention of any one, who creates an entail, is that it shall pass to these heirs in lineal succession. But entails so understood, and as they would be if the statute *De Donis* were observed, are condemned by the Law, which, while it allows of their creation, has ingenious devices from time to time for destroying them. A law

which first creates an estate and then invents a machinery to destroy it, is surely self-condemned. But the law goes further; it holds that an estate tail does not exhaust the ownership, that it is not an estate in perpetuity, and allows other estates to be created to take effect when the estate tail fails from failure of heirs. At the same time it declares, that it shall depend on the will of a tenant in tail whether his own estate shall be enlarged, altered in its character to the disherison of his descendants, or whether it shall be enlarged and absorb and destroy all the estates which are to come into possession on failure of lineal heirs.

Under a settlement such as I have above sketched (and I have taken the simplest form) until B's son attain 21, the chain of ownership is incomplete and all freedom of dealing with the estate is gone. So far as provision may have been made by proper clauses, or by special legislation, the property may be let, or sold, or exchanged under certain restrictive conditions; but it cannot be self-improved. A part cannot be sold to improve the remainder. In fact, the apparent owner is not the absolute owner but a life tenant only. B's son, when of age, may sell or mortgage his expectancy. He may, by an enrolled deed, but no other, put an end to the entail; that is, he can sell the estate so far as to prevent any of his own descendents ever succeeding to it, but of his

own act he cannot affect the interest of his brothers, who are tenants in tail in succession to him, and their descendants. With his grandfather's and, after his death, with his father's concurrence, and after their death, when he becomes tenant in tail in possession, he can do more; for he can determine all entail after his own and sell the estate absolutely. Whether judgments against him, or his bankruptcy destroy the rights of the remainder ever, I will not say, for none but an astute conveyancer can understand the intricacies of this law. Thus we find the owner of a limited estate has the power, not only of altering the character of that estate, converting an estate tail into a base fee, but of enlarging from an estate, to last only so long as his descendants exist, into an estate of fee simple or perpetuity. Could any but a conveyancer have devised a machinery so cumbrous, so unintelligible, so unjust to rights of which it sanctions the creation; and teaching such doubtful morality?

Take the case of an unmarried female tenant who cannot in the course of nature have a child,—is it just to allow such a person, because technically tenant in tail, to deprive those in succession from taking the estate intended for them? Is it possible to have simplicity of title, on the transfer of land, made intelligible, when such a complicated system as here disclosed is allowed? And I have given

the simplest form of settlement. What is there in this system of settlement that justifies so much protecting care and encouragement as the laws extend to it?

It gratifies two dominant feelings which the wealthy entertain: that of posthumous dominion, and the desire to secure the estate from dissipation by an extravagant successor. The former class of feelings require no encouragement. Each generation should be satisfied to manage its own affiairs, and not seek to infuse its views and opinions on its successors. The latter is surely carried too far. To meet the rare case of an extravagant heir, the hands of those best qualified to manage the property are tied. It is no doubt a misfortune to a family when the head of the family dissipates the estates; but they pass into other hands who will perform, in all probability quite as well, all the duties and responsibilities devolving on the owner of a large estate. The unfortunate children are relegated to the ranks of industry to win back the fortunes one ancestor acquired, and another lost.

Under the protection of a settlement, the extravagant head has dissipated his life-income. During his life the family are out of sight; the estate is mismanaged, the ownership being in abeyance, and, after his death, the heir reverts to

a patrimony, and the public feeling is shocked that the creditors suffer while the heir revels in wealth.

A marriage-settlement proceeds on the assumption that the married couple are not to be trusted with the management of their own estate and their hands must be tied from making the best use of their property, least they should squander it. The question for consideration is, how far the law, paying a reasonable regard to individual feeling and social habits (which it has probably done much to form and foster) but having chiefly in view the public good, should allow fetters to be placed on the free use of property and the ownership to be subdivided. The existing law, as regards personalty, appears to me to go to the extreme limit of this indulgence, and though I believe that it might be curtailed with advantage, I proceed to make my suggestions, for the alteration of the law affecting the heirship of land, on this basis.

I would suggest there should be but two estates in land or in personalty:

1. A limited estate for life, or for a time not exceeding 100 years.

2. An estate in perpetuity.

This would abolish entails, base-fees, and long leaseholds, and reduce all land to fee-simple

tenure, out of which no longer estate could be caused than for life or for 100 years.

A settlement of land might be allowed to the same extent as a settlement of personalty, but no further. Nor should the settlor claim any greater control over the acts of those entitled to estates, created by settlement, in land, than can be done in the case of personalty.

There can be no safety and simplicity in title without a register. I would do away with trust estates and trusteeships; except in cases where they are absolutely necessary from natural causes, as in the case of persons under disability, executors and administrators having to arrange the distribution of property, &c., and would leave all interests to be dealt with by those beneficially interested.

All transfers of land should be in the simplest form, specifying the names of transferor and transferee, and the extent of the estate or interest intended to be transferred.

The rule should be, that, unless expressly limited, the absolute property should pass in perpetuity without words referring to succession.

No covenants of title should be inserted, the transfer itself including whatever is involved in the transfer of ownership from one to another.

Charges, such as jointures, portions, mortgages, rent-charge, should be created by a simple document, stating the amount, mode of payment, and description of property charged. No covenants being necessary, nor special remedies, the law securing the payment by the remedies usually reserved by deed.

All pecuniary charges on land, whether temporary or permanent, should be redeemable by the owner of the land charged, on payment of the value.

The ownership should never be allowed to be in abeyance.

The guardian of an infant, the committee of a lunatic, should have as full powers as an actual owner. When an estate is limited to a person unborn, the settlor should designate some person to represent the interest till it vests, and, in default, a guardian ought to be appointed, as in the case of a minor.

Provision must be made for the easy and inexpensive alteration in severalty of land owned by several.

I believe that if these principles were carried out, the transfer of land would be, as it ought to be, as simple as that of personalty.

With reference to the dereliction of land, I would adopt the rules relating to personalty. The

law of succession should, in my opinion, be uniform. And for the purpose of administering an estate and dividing it among those interested, executors and administrators should have the same power as they now possess in respect of personalty.

No dealing with land should be valid, unless registered, and when land is appropriated by an executor or administrator, as for instance to shares in a residue, a written statement be furnished by him to the registrar.

Documents not under seal to have the same power as deeds under seal.

No judgment and decree, nor liability as debtor or accountant to the Crown, to affect land, unless registered.

EXTRACT FROM AN ADDRESS

PREPARED FOR DELIVERY AT A MEETING OF THE

"UNITED KINGDOM ALLIANCE."

While honoring and encouraging those whom you will hear this evening, and who will enforce the principles of the United Kingdom Alliance with all the energy of a settled conviction, the fervor of a noble zeal, and the enthusiasm of a hope which no opposition can extinguish, I purpose to address my observations to some questions in connection with this great subject which, though less exciting, appear to me of some importance, and may lead to a better understanding of the relations between the State, the publican, and the public.

The relation of the State with the trade in drink is twofold, financial and regulatory.

If drink were like tobacco, an exotic, only produced out of the country, the financial relations of the State with the trade would be much simplified. Tobacco, which is a sort of first-cousin, and

frequently the handmaid to drink, is not grown in this country, and, if a case were established against tobacco, an Anti-tobacco Association might demand from the Legislature an absolute prohibition against the importation of the nasty weed. The Government might say "The smokers pay us £7,000,000 a year, and we can't afford to give up that income, and such is the determination of the public to make chimneys of their mouths that, if we prohibited its importation, it would require a multitudinous coast-guard to prevent the operations of an enormous body of smugglers;" and they might point to the opium traffic in China, where the native Government prohibited the import, and the Anglo-Indian Government were the great abettors of smuggling, by manufacturing the article, and selling it on terms that it should be exported from India to the only market open for it—China.

The case of drink however is more complicated. It is produced at home and abroad, and thus a double form of tax is imposed on it—customs duty on the foreign article imported, and excise on the native article produced. The contribution to the revenue from these two sources was, in 1872, 26½ millions, and in 1873, 30 millions I have not later returns, but it has not decreased since then, but rather shews an elasticity on which the Chancellor of the Exchequer so trustingly relies.

The prohibition of the trade would thus sweep £30,000,000 off the Budget, as revenue; and we must not be surprised that the Chancellor of the Exchequer should attach himself to the moderate drinker class, and say that the State cannot afford to try the experiment.

Again, a prohibition of the trade would produce, not only the smuggler, but the illicit distiller and purveyor, and not only would a numerous coast-guard become necessary, but a large body of excisemen, engaged in looking after places of illicit manufacture and sale. I confess that it seems to me hopeless to contend against these powers arrayed against the cause; and it is for this reason, that I wish to address myself to a branch of the subject which is free from these tremendous difficulties.

The State, in laying a custom duty on the importation of fermented liquors, and an excise duty on their home manufacture, is not brought into immediate relation with the retailer. The operation results, no doubt, in a profit derived by the State out of an objectionable trade. But, as regards the trade itself, the effect is to make the retail dealer pay the importer or manufacturer a higher price for the article, which he again receives from the consumer. Its tendency is rather to check than encourage consumption; though the

State may be interested in increased consumption, that interest is almost too remote to influence the action of the State in that direction.

But in addition to these custom and excise duties, in collecting which the State only comes in contact with the importer and manufacturer, there is another duty of a very different character—the licenses for the retail sale. These are received by the State directly from the publican; they suggest the idea that the trade is a privileged one—as one specially licensed by Government; and the language used on the sign-boards, that the publican is licensed to sell intoxicating drinks, to be drunk on the premises, suggests to an untutored mind, and one not well versed in rules of grammar, that the publican is licensed by the State to keep a house where anyone may get drunk who likes—that these are places expressly set apart for people to get drunk in, according to Act of Parliament. The revenue derived from these licenses is not inconsiderable, but it is a trifle in comparison with the sums to which I have alluded: it amounts to between $1\frac{1}{4}$ and $1\frac{1}{2}$ million. The publican who pays for the license considers that he has a personal claim against the State to assist him in getting it back from his customers. In order to do this, he furnishes his rooms, provides sundry entertainments, such as music, &c., and does what he can to render his premises attractive; and he claims

against the State, in consequence, an interest in a monopoly for which he pays. I feel quite certain that, if we are to have a money connection between the State and the trade, it should be confined to the duties of custom on importation, and excise on manufacture, and that there should be no primary connection whatever between the State and the retail dealer.

In considering the retail trade in drink, we have two very different sets of people to deal with, and two very different questions to consider. The sale by retail for consumption off the premises, and the sale by retail for consumption on the premises; and, as regards the latter, whether the consumption of drink is made as of an article of food, or as of an article of simple indulgence and luxury. A man who is addicted to drinking will buy the article, and take it home, and get drunk; but it is obvious that there are hindrances and opposing influences, which have a tendency, to some extent, to diminish the risk of drinking to excess, when the article is bought at one place and taken to another for consumption, and that the rules to guard against drunkenness need not be so stringent, as regards places where drink is sold to be consumed elsewhere, as in respect of places where it is sold and consumed on the spot. Again, when the consumption of drink is a part of the ordinary meal, and is confined to the

requirements of that meal, the risks of excess are much diminished, and here the ordinary habits of social and domestic life have a tendency to regulate the consumption within moderate limits. But when a place is set apart for drinking, for personal indulgence, of which the glass and the pipe, jovial company, possibly music and other social attractions, are the elements, and the drinking and smoking are the sole articles paid for, it is clear that the purveyors have a direct interest in increasing the consumption of the article, and those who enter the charmed circle have little chance of escaping from it unscathed.

We have then the trade carried on in four different kinds of places, which I shall name in the order in which they appear to me to be the least dangerous, and to require less stringent regulations.

1st. The premises where the article is sold simply, and not consumed.

2nd. The refreshment-house, where a slight refreshment and a glass of wine are furnished.

3rd. The hotel, where one department provides meals, including drink, and another, the bar and tap-room, is devoted to drink only.

4th. The ordinary public-house or beer-house, where drinking only is carried on.

If the general public have any right to demand that any dealer in any particular article should be bound to supply their wants, I apprehend the universal answer would be that it should be in the case of necessities, and not of luxuries, and that there would be more reason for the Legislature to declare that if I wanted bread, meat, or clothing, the baker, butcher, or draper should be bound to supply me, than the tobacconist and beer-seller, if I wanted a cigar and a glass of beer. But in truth all legislative interference between the dealer and consumer in this respect is vicious. It must be left to the law of supply and demand; and if a butcher does not choose to supply me with meat, or a baker, with bread, I do not expect that the law will punish him. And I contend that the innkeeper and publican should be treated as any other trade. If a butcher chooses to give himself a holiday, no one can prevent his shutting up his shop. If a refreshment-dealer shuts up his shop, no traveller can knock and insist on his serving him.

Many years ago the Judges took the part of the traveller, and laid down the law that an innkeeper was bound to receive a traveller, and entertain man and beast, if he was prepared to pay the innkeeper a reasonable sum for his entertainment; and an innkeeper is liable to an indictment if he refuses to do this. I hold this

law to be unjust, and that the relation between traveller and innkeeper should be one of contract, like that between him and the butcher and baker, and that any traveller, going on his travels or making a pleasure excursion, should make his arrangements, as he can readily do, without any such law in his favor.

This law, confined to the innkeeper and traveller, the publican is proud of applying, and he is encouraged in this view by the Legislature. The Act of 1872 authorizes him to refuse admittance to, and turn out, any drunken disorderly customer, and authorizes him to call in the assistance of the police to turn out disorderly characters. I contend that the publican is, and if he is not, he ought to be, master of his own premises, and liable for keeping good order. He is proud of urging that he is a public servant, that he is bound to serve any one who comes and demands drink, unless he has already had too much. This is a very much more important question than it appears at first sight. If the view is correct that he is bound by law to serve customers up to the drunken point, he is entitled to consideration; but if, as I contend, it is optional on his part to do so or not, then he must be held responsible for the conduct of his customers. Take the case of a woman who is known to be a drunkard with a sober husband. If the husband has given notice to a publican not

to admit his wife to his public-house, I contend that he ought not to serve that woman ; but if it be law that he is bound to serve her, then the law, and not the publican, is responsible for the result. So, if a workman, if known to be a drunkard, having received his wages comes to a public-house and spends his money in drink, the publican, knowing his habits, ought to be able to say that he will not help in depriving his wife and family of their share in his earnings.

Again, in the case of the traveller, I cannot conceive on what ground he can ask that the law should entitle him to demand admittance on a Sunday to a public-house ; if it does, the publican may well ask to be relieved from the danger of deciding whether he is a traveller or not. But if the publican has, as I contend he has, the right to exclude even travellers if he chooses to shut up his shop, there is no harm in imposing on him the risk of being deceived.

The tone of all our legislation enables the publican to press his interest under the cover of the public. If he has to break the sabbath,—the public requires that his house should be open, and he ought to be pitied rather than blamed for keeping it open. If he wishes to retire to rest early with his family, he cannot do so because the public requires that his house should be open for

their enjoyment, and he is bound to supply the public!

Let us have no more of this sailing under false colors; let us declare that the trade is an exception, dangerous to the public, and therefore one which should be made subject to rules to protect the public, and those who wish to frequent public-houses should be made subject to restrictions, as persons who enter mines or powder-works.

Allow me here to advert to two matters in which the Acts of 1872 and 1874 have made a grievous mistake, though it may appear to some to be one of form and not of substance. While almost every other trade is prohibited on Sunday, and shops are closed at reasonable hours, and while the early-closing movement has shut up shops once or oftener a week, at the close of day, the trade of the publican has been a seven days' trade, and his shop is kept open all the seven nights to an hour when most respectable hard-working people are in bed, counteracting the good effects of the early closing. Thus the Legislature gives the authority of its sanction to the proposition that a public-house ought to be open on Sundays as well as week-days, and till a late hour in the night. When the Act of 1872 relieved the licensee from one-seventh of his license duty if he took out a six days' license, and another one-seventh if he

took out a license for an hour earlier at night, it ought to have laid down the rule that licenses would be for six days and for short hours, and if a publican required one for Sunday, or for a late hour, he should apply and pay for it accordingly. The publican now hesitates to curtail his license, he does as others do, but if he had distinctly to take out a separate license, he would probably hesitate, especially when it was a question of a breach of the Sabbath

So far as the public are concerned there is, in my opinion, no ground whatever for contending that the Legislature should sanction, in favor of the smoker and the drinker, a practice which it will not sanction in any other trade,—that in opposition to the Sabbath observance, traditions and feelings of the country, it should authorize a breach, not for the necessaries of life, but for articles of indulgence and luxury, and that, while every other shop almost is closed, the public-houses should be open till 10, 11 or 12 every night, including Sunday. If travellers and excursionists want tobacco and beer, let them provide themselves with these articles, and enjoy a pic-nic.

To sum up, then, as a reform possibly attainable, and calculated to improve the present deplorable state of things, but not impeding or preventing the progress of those more sweeping measures

which the Alliance seeks to impose, I would venture to urge on you a scheme based on these :

Put an end to all pecuniary connection between the State and the retail dealer, by abolishing the licensing system, if necessary adding to the customs and excise duties on import and manufacture a sum to cover that now paid for licenses.

Declare the retail trade to be dangerous to the moral well-being of the community, and therefore to be carried on by those who engage in it under regulations to secure the public, to some extent, from the dangers to which they are subject.

Make these regulations dependent on the nature of the retail trade, which could be divided into four classes :

1. Where the article is sold and consumed off the premises.

2. Where the article is sold and consumed on the premises as part of refreshment, but the consumer is a mere passer-by.

3. The hotels, where lodgers are taken in, and food and drink supplied.

4. Public-houses, where drink is sold alone, or as the principal article of consumption. This to include the taps and bars at hotels.

These regulations might provide for the following matters :

Registration of the traders' securities given by him to provide against any breach of the laws.

A limit to the number allowed to engage in the trade, as regards population ; provision as to suitableness of premises ; a forced regard paid to objections by neighbours in the street ; a limit with reference to others in the neighbourhood.

A limit as to hours, the ordinary closing hour to be an early one, and when the trader intends to keep the house open to a later hour, special restrictions against persons being allowed to continue above a certain time and the admission of females and young persons.

Absolute prohibition of all trade on Sundays, except in the case of hotels, in favor of lodgers and of travellers passing and taking a meal ; but all tap and bar traffic prohibited. Liberty at certain hours, say one hour at mid-day and one hour in the evening, to sell, to be consumed off the premises, in vessels to be brought by customers.

A regulation, in the case of hotels that take in horses, that the trader should provide a proper room for the use of all persons coming with horses, carriages, &c., where no drink should be allowed :

those who want drink to obtain it at the tap or bar; no separate tap to be allowed away from the house.

Disqualification (personal) of a trader on conviction of any offence.

Some provisions by which publicans who, after prohibition by a magistrate, on application of husband, or wife, or children, or relieving officer, allow a man, or woman, or other member of the family to drink, shall be responsible to make good to the family the money spent in drink.

EXTRACTS FROM
PRAYERS AND MEDITATIONS.

How large, and wide, and universal is God's law; and how short and simple! Love to God, and love to our neighbour. And that love active, sincere, earnest, efficacious, ever on the watch, and glad of any occasion, however slight, in which it can manifest or exercise itself. Love to God—which accepts, with ready gratitude, all His mercies vouchsafed unto us, sees in His dispensations, special and constantly recurring manifestations of His goodness, and leaves all to the ordering of His gracious providence, in the full assurance that He will make all things work together for good to those who love Him. Love to God—which quickens the eye of faith to realize His presence, kindles the affections with a desire to please Him, sharpens the conscience to detect every symptom of backsliding, and energizes the will to seek every occasion to render Him service.

Love to God our Father—the trusting, clinging, confiding love of children, who feel that their Father

loves them, and give expression to that feeling by a constant attention to His will, and studious endeavour to avoid every occasion of offence, and a dedication of themselves to His service; who feel that any service they can offer falls far short of their desires, and, far from founding thereon any claim of merit, are conscious of their shortcomings, but rely on His graciousness to accept them.

Love to our neighbour—a lively, active, personal feeling, which sees in every human being a brother—a child of the same Father—heir of the same promises—object of the same love; which is careful not to offend, not only in acts of carelessness indifference and unkindness to them, but in attributing to them unkind, unworthy and unchristian motives; which elevates all ranks and stations of life, throws aside all selfishness, all the evil and covetous thoughts, which a contrast, of our own position and circumstances with others more largely favored with worldly advantages, suggests—is quick to discover how each member of the human family, however lowly his worldly station may be, is capable of ministering to the comfort, the necessities and the welfare of others, and has in his daily walk ever recurring occasions of illustrating and practising God's universal law of love.

If we could feel, we pilgrims and sojourners on earth, that we were brethren, how different would our conduct be to each other. How should we sympathise with each other, love each other, seek each other's welfare, and travel hand in hand, giving and receiving encouragement in our journey through life. Yes, love is the fulfilment of the law; love is the emblem of the gospel. Love to God, love to man, the whole duty of our life. Love which sacrifices all thought of self, and seeks to God. Love which ascribes all we have to the mercy of God—seeks all we desire from the grace of God. Love which reposes on God, and accepts His salvation as a free gift. Love which embraces the cross, and places all its trust and confidence in God. And love to our neighbour, because he is our brother—because he is a child of God, an heir of grace, and adopted of His Father. Love which rejoices at our neighbour's happiness, which would remove all occasion of offence, would think no evil, would accept the offices of charity, and make him a partaker of our possessions.

We confess indeed that God is present everywhere, and at all times, and that, wherever we may be, and whatever we may be engaged in, God is actually present, and is no idle spectator of our actions, nay, our words and even our

unuttered thoughts are known to and noted by Him. Oh how does this great truth, which we so freely acknowledge, which we feel we can neither deny nor doubt—this great truth of God's omnipresence and omniscience, operate upon our habits and lives? Does our consciousness of it make us take heed as to our ways, and so watch over ourselves as if God were present, and we felt and saw His presence? If the presence of some other operates as a restraint upon the freedom of speech or action, so far as to make us careful not to offend, how much more should the presence of our God restrain us, and make us careful not to offend? If the presence of some loved friend constrains us to express to him our feelings of affection, and to tender to him the offices of friendship, how much more should the presence of our Heavenly Father constrain to the expression to Him of our gratitude and love, and to the practice and exercise of those things which He has declared are agreeable to His will?

Let us pause while there is time and meditate on our habits and conduct, our life and progress. We confess that we have not satisfied God's law—that we have lived to ourselves, and not to Him—that we have sinned, and come far short of His requirements. Do we feel our sinfulness? does

the thought of it weigh upon our souls? do we feel the necessity of our Saviour's atonement? We know that we are sinners, we know that Christ died to save sinners, and we invoke the atonement of the cross in expiation of our sins. But the confession only of our sins will not secure us the mediation of Christ. It would on these terms be easy to obtain salvation. The confession must be sincere—the earnest outpouring of a heart that feels all the bitterness of sin, of a conscience that cannot be at rest till it has the seal of God's pardon communicated by the inspiration of the Holy Spirit, and bearing the fruits of a hearty repentance, a thorough amendment of our lives, a constant watch kept over all our words, thoughts and actions, and a daily and hourly living as in the presence of God.

Do we live, do we perform our duties thoughtfully? Do we ask ourselves, at all times, and in all places and companies, in all engagements and occupations, whether we are doing what is pleasing to God, and whether we are striving to do it from a desire to please Him?

Life is not a succession of great trials and great temptations, but each day and each hour has its opportunities, its trials, its temptations. If, in any

occupation or work, we could have done better than we did, we have not done what we ought.

We may perhaps resist any great temptation which comes but rarely, and startles our consciences, but do we resist all the trials and temptations which each passing hour offers? Do we not look upon them as little, as of no importance? And yet they are so many opportunities which each day furnishes us to shew the earnestness and reality of our religion, and that it is our constant companion, moulding our thoughts, forming our habits, and regulating our conduct in all we do.

We are ready to condemn the crimes which the laws of our country punish, but are we not apt to think that, because we avoid the commission of these crimes, we are clear of sin? We are ready to acknowledge the sacred duty of obeying the commandments of God, ... but do we attain to clear conceptions of God's law? We shrink at the thought of robbery, but are we careful of the property of others? If we have an opportunity of doing good to another and do it not, is not the effect the same as if we did him a

positive injury?—if, by an act of thoughtfulness, we could have done him good, and, from idleness and indifference, did it not, have we done what we could?

How little worth are all worldly possessions and enjoyments, how fleeting and unsatisfying; but by using the talents entrusted to us in the service of our Lord they are valuable, and the means of happiness to our souls, both here and hereafter.

The very lowest temporal gifts may be devoted to God, as may the highest. He to whom only one talent has been entrusted, and who uses that talent aright, will be rewarded as well as he who made a right use of the ten talents committed to his care.

The present is all we can call our own; nor is it wise for us to habituate our thoughts to dwell on a future which may never be ours, or if it be vouchsafed to us, may be of a very different nature to that on which our affections may be placed. If we allow ourselves to invest the future with a promise of happiness, we depreciate our present gifts, and press forward to attain what may end in disappointment. If we overshadow it with the dark clouds of sorrow, we destroy our ability and

desire to appropriate our present blessings, and may find our sad forebodings falsified. And this habit of looking to the future of life is especially dangerous to our spiritual welfare, as it has a tendency to withdraw us from the necessity of immediate repentance, and the immediate and constant and uninterrupted devotion of ourselves to God's service, and to whisper to us that we may safely continue a little longer in doubt and uncertainty, as there is still time for our repentance, our reconcilement to God, and our sanctification, and eventual fitness for admission into His glory.

Oh how lukewarm must be our faith, how great our short-comings, how complete our unfitness, if we can be careless of our conduct, indifferent to holiness, ready to yield to the temptation of sin, because we feel that there is a reasonable assurance of a future, in which we may repent of any present failings. The future, when it becomes the present, will not be without its own calls for repentance for the sins of the present, without being burdened with the sins of the past; and if we can now sin on a self-made promise of repentance hereafter, we shall make repentance itself more difficult of attainment.

There is, indeed, one care for the future, which should be ever present to our minds, and influence our actions,—that of our eternal destiny,—and we can well afford to dismiss all other cares. But

this care attaches to the present, rather than to the future; it looks not to the close of life, it invests death with no terrors, it concerns itself only with our fitness for the change, whenever our summons may come.

What a glorious inheritance, what an ennobling title! How does all earthly distinction pale before the title of "sons of God!" What a destiny for the poor oppressed pilgrim wandering through the desert and dark places of the world. Son of God and heir of heaven! what a noble object of ambition. We labor and toil with all our powers and all our energies to acquire various possessions in life—wealth, station, the applause and admiration of the world, the love of friends. These and the like attainments excite our zeal, inflame our enthusiasm, and we succeed in the pursuit because our feelings are enlisted, our powers are devotedly applied, and we are earnest in the pursuit. And yet how far short is the highest earthly prize—the most envied worldly possession—the most coveted station—of the prize of our high calling to be the sons of God and have heaven for an inheritance. Oh that we could be as earnest in the pursuit of heaven, as zealous to be children of God, and as devoted to do Him service, and yield Him the hearty homage of our love and obedience!

LINES ON PHOTOGRAPHY.

Nature's the magic art, not mine,
That gives to light its power divine
When nitrogen and iodine,
And silver from the darksome mine,
Are on collodion film outspread
Ethereal on its glassy bed,
With happiest art the lines to trace
Of each beloved familiar face,
Which give to memory a hold,
When life's short passing tale is told,
On forms on which it loves to dwell.
They weave around the heart a spell,
Fill the sad ear with voices still,
Greet the moist eyes with sights that thrill.
E'en to the saddest moments give
A joy best known to those who grieve ;
People the present with the past,
Revive loved scenes, not made to last.
These are the treasures choice of earth,
Memorials of departed worth
To us who linger still behind.

They help communion sweet and kind
With sainted spirits gone before,
Who beckon us towards the shore;
When lingering we might backwards gaze,
Had we here known but happy days,
And did our hearts not yearn to those
Who, snatched from earth, in heaven repose,
Exerting their sweet influence still,
To lead to good, to guard from ill,
And by a golden chain connect
Earth's denizens with heaven's elect.

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